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Compiled by George Borrow.

Samuel Hyneman,
December 9, 1905,
Cleveland, Ohio.

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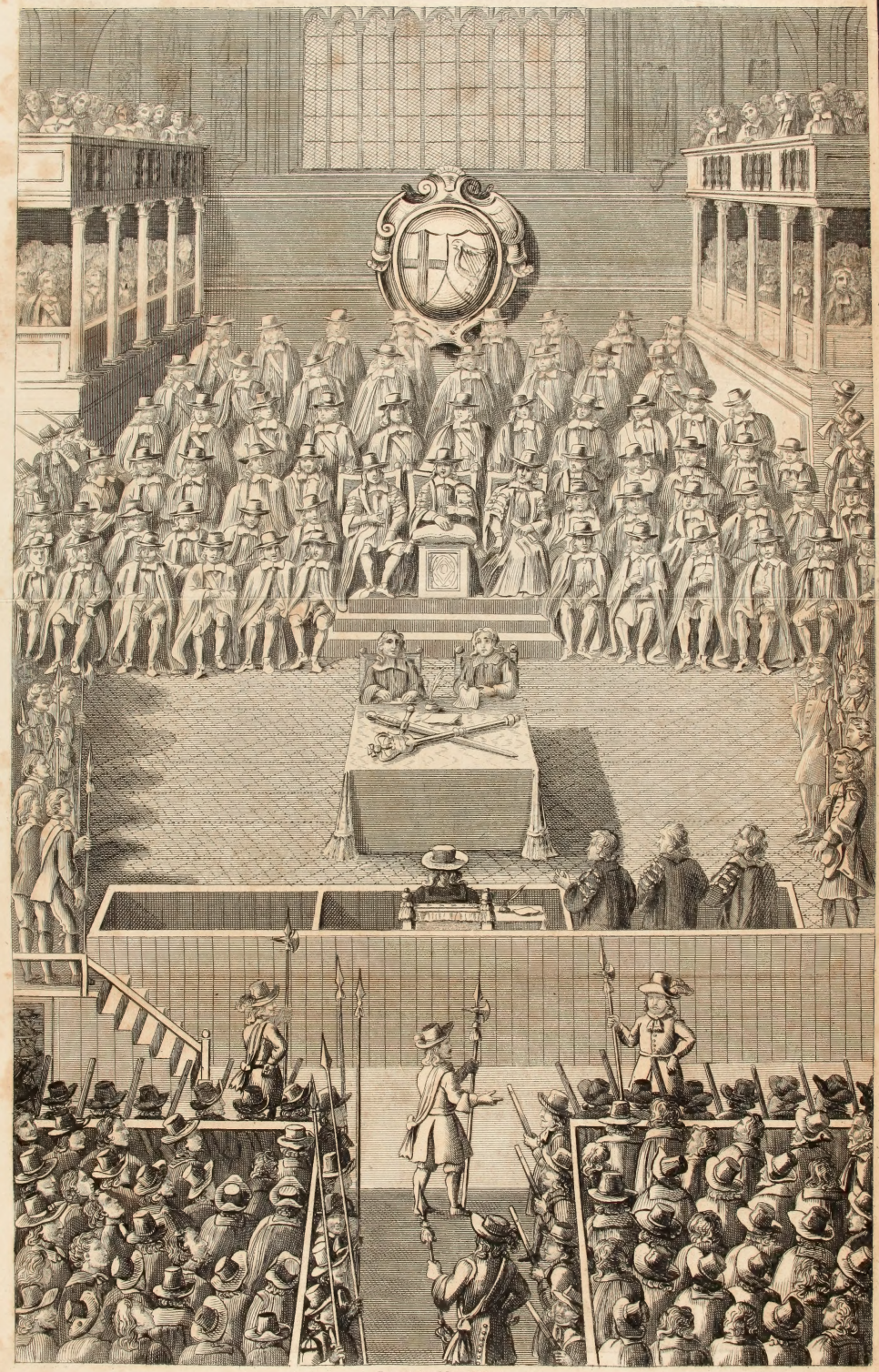

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TRIAL OF CHARLES THE FIRST.

BEFORE THE HIGH COURT OF JUSTICE IN WESTMINSTER HALL.

BRATED TRIALS,

AND

Remarkable Cases

OF

CRIMINAL JURISPRUDENCE,

FROM

THE EARLIEST RECORDS

TO

THE YEAR 1825.

[ed. George Borrow]

"THE Annals of Criminal Jurisprudence exhibit human nature in a variety of positions, at once the most striking, interesting, and affecting. They present tragedies of real life, often heightened in their effect by the grossness of the injustice, and the malignity of the prejudices which accompanied them. At the same time real culprits, as original characters, stand forward on the canvas of humanity as prominent objects for our special study. I have often wondered that the English language contains no book like the *Causes Celebres* of the French, particularly as the openness of our proceedings renders the records more certain and accessible, while our public history and domestic conflicts have afforded so many splendid examples of the unfortunate and the guilty. Such a collection, drawn from our own national sources, and varied by references to cases of the continental nations, would exhibit man as he is in action and in principle, and not as he is usually drawn by poets and speculative philosophers." BURKE.

IN SIX VOLUMES.

VOL. I.

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PREFACE.

Till the assemblage in the present volumes, the English language was possessed of no popular collection of celebrated trials and remarkable cases of criminal jurisprudence.

The Newgate Calendars as chroniclers of roguery and of vulgar depravity, in their various forms, have usually been compiled in language, which sympathized and accorded with their subjects.

The State Trials, in seeking to exhaust all the legal and technical details, degenerate into intolerable dulness, and are useful only as a body of information to be consulted by professional men, in regard to analogous cases which present themselves in practice: though, in this respect, they are so valuable, that no law-library ought to be without them.

At the same time in forming a selection of interesting and important trials from the range of the juridical proceedings of various nations, the editor has adopted no existing model. The only one similar in its general object is the voluminous series in the French language, entitled Causes Celebres. But more persons praise this work than have read it; for it is altogether Gallic—light, frothy, prolix, and sentimental—and in no way adapted to the chastened taste and matter-of-fact curiosity of English readers. It is a series of novels in manner, while the

editors are restrained in their fancy, by a shew of respect to the facts of each case. The articles are therefore romances in style, without those flights of imagination which render romantic compositions fascinating. In fact they are neither prose nor poetry—but by mingling both, they have deformed both, without possessing the peculiar beauties of either.

The best cases in that celebrated work have nevertheless been transferred to these volumes; but to adapt them to English reading, they have been stript of all their verbosity. As an example, the case of Urban Grandier in the original is five times the length of the article in this work; yet the reader will perceive even in the part that has been retained, some of that garrulity and flighty sentiment which our neighbours incorporate with every history of facts. In other articles the editor has compressed into a score of pages the substance of an entire volume of the *Causes Celebres*, and yet in spite of his care some of the flippant sentiments of the original articles still remain.

The editor is at the same time aware that the interest of a trial often turns on small points, and is increased by the reader being, as it were, carried into court. This important principle he has never lost sight of, and in proof may refer to the verbal examinations which he has retained whenever they are connected with the jet of the case, or with historical personages and curious traits of manners. If the general reader has reason to find any fault with the work, it will rather be with the minutiæ of detail, than with any deficiency; while many curious documents have for

his satisfaction been copied verbatim from the original reports of the proceedings. Commentaries were out of the question, for if introduced, to the extent often required, the work would have been extended from six to sixteen volumes, and thereby have lost the utility of its present compactness.

Destined as the work is for respectable and popular circulation, trials for *crim. con.*, *rape*, &c. and in general all cases which involve details contrary to decency, have been omitted. The reader will however thank the editor for an exception in the famous cause of the Duke of Cumberland, for the sake of the royal literature which it includes; and the collection would have been incomplete without the recent trial of Queen Caroline. The case of Hackman and Reay is prolonged by a series of letters now become scarce, and which confer on it a degree of unequalled interest. In regard to one class of trials, too miscellaneous for the present collection, those for *Breach of Promise of Marriage*, it is the design of the editor, if these volumes are favourably received, to assemble the whole in two uniform volumes by themselves, for distinct publication.

The Golden Mean has been the design of the collector and editor. One object was to form such a series as might serve for the basis of future continuations; for the cases recorded by the present activity of the ephemeral press and of society will be sufficient hereafter to fill a volume similar to one of the present in every seven or ten years; and partly with a view to such a series, this fundamental col-

lection has been formed. A new volume as often as interesting cases have arisen sufficient to fill one, will confer on the present collection a perennial value, and in another century the remarkable trials assembled in this British work may be expected to occupy as large a space on the shelves of our libraries as the French *Causes Celebres*, though in substance they will in comparison with the latter, be like sterling bullion as contrasted with gold leaf.

Public taste and temporary circumstances may also call for the revival of some trials, rejected or neglected in this series; and these will advantageously fill appendixes to future volumes, and add to the general worth and completeness of the series.

After this exposition of the plan, it may be expected that the editor should convey to his readers, the intellectual impressions which the execution of his task has produced on his mind.

He confesses that they are mournful. Almost every case is a libel on human nature, either in the criminal at the Bar, or in the State criminals on the Bench. In the accused we often discover the worst passions gratified by the most subtle powers of mind; while, in other cases we see virtue and innocence trampled upon by similar bad passions in accusers, supported by willing instruments found in seats consecrated to Honour and Justice. It is difficult which to condemn the most,—the solitary murderer, way-laying and ensnaring his victim, or supple judges and tribunals, who commit legal murders with unblushing effrontery, to gratify a master, and promote their own per-

sonal aggrandizement. In one instance, every sentiment of virtue is set at defiance, while in the other, virtue is put to the blush, and sound axioms of justice dispensed with, or flagitiously compromised.

Murders, under forms of law, are nevertheless the worst of crimes. Examples of punishment may deter the solitary criminal, but retributive Justice is rare in regard to those who commit murders in ermine, and under the sanction of legitimate authority. The former have daily warnings, but the latter have received them but twice or thrice in our history; and they are such exceptions to the general course of events, that crimes have usually been committed by authority, in the confidence of perfect impunity.

In our days, one salutary check is the publicity of all judicial proceedings, from the charge before the magistrate to the sentence and execution; so that if prejudices are not artfully created, and successfully maintained, flagrant acts of injustice cannot now be committed without arousing the indignation of all contemporaries.

Happily too, we have in Britain the advantage of appealing to twelve indifferent men, sworn to decide according to the evidence. This is a bulwark which cannot be too much extolled, nor too much recommended to other nations. It secures the accused against collusions and machinations of power, provided the jury do their duty as sensible and as honest men; and provided also that they have not been knavishly assembled as tools to effect a purpose. On these provisions depends the

value of the system; otherwise as power is countenanced, and injustice rendered plausible by the verdict of a jury, the danger of suffering wrong would be increased by such interposition.

The most solemn and sacred of duties devolve therefore on jurors; and as verdicts are properly expected to be unanimous, so each of the twelve, separately and severally, is responsible for the decision. Society cannot enjoy a higher security, but the jury should also be assembled in some predetermined and invariable order; for if any discretion be permitted in the summoning officer, they may be selected by evil design, and be preferred for their known prejudices or attachments. But if these two points are guaranteed, first, the attention and intelligence of jurors, and next, their independent convention from the mass of the population, such legal murders can never occur again, as have in bad times disgraced our past annals.

If it be alleged that this argument pre-supposes a disposition of power to do wrong, it may be replied, that men in all situations are the dupes of their prejudices, their knowledge, and their supposed interests. They are often also misled by theories, about crimes and punishments; and are frequently hurried away by their passions. The circle of judges ought therefore to be enlarged as much as possible, and the feelings of one caste, attempered by those of another, such as that of jurors drawn from the body of the people, in contrast with that circle in which live and move the permanent officers of tribunals.

Under these impressions, and in the hope of

aiding justice in all juridical proceedings, the preface to this work cannot be more usefully concluded than by giving place to Phillips's Golden Rules for Jurymen, in the persuasion that the perusal of them will enable Jurors to understand their duties, and thereby perform them with intelligence and integrity :—

I. The most grievous of personal wrongs, and the most hopeless of social miseries, being oppression and injustice, under the sanction and colour of law, and the plausible forms of trial by jury ; the most important of social and moral obligations are imposed on the integrity, firmness, and discrimination of the several individuals who compose grand and petit juries.

II. An honest juryman should suffer death rather than consent to any decision which he feels to be doubtful or unjust; or, which in his own private judgment, is not warranted by clear and uncontrovertible positive evidence.

III. Every juryman should be jealous that no other opinion than his own directs his decision; for his office would be a mockery on himself, on the parties, and on his country, if his decision were not the result of his own unbiassed convictions. The juryman who, ignorant of his duties, is inattentive to the progress of a trial, and decides on the suggestion of others, betrays his sacred duty, and is himself unworthy of the privileges of the law and of the protection of justice.

IV. In deliberating on the verdict, every juryman is bound to think for himself; to give his individual opinion freely and boldly; and to bear in mind that it is the sole and entire object of the institution of juries, that every juryman for himself should decide according to his own judgment on the points at issue.

V. The jury are bound to decide fully and finally by a general verdict in criminal cases of "*guilty*" or "*not guilty;* or in civil cases "*for the plaintiff*," or "*for the defendant*;" unless at the request of the judge, they reserve some point of law; but such special verdict should even then be explicit, final, and conclusive with respect to the facts of the case.

VI. Every man is presumed to be innocent, till he has clearly been proved to be guilty: the onus of the proof of guilt lies, therefore, on the accuser ; and as no accused person is bound, required, or expected to prove his own innocency, so no presumption ought to be admitted against him, on his failing to prove a negative to the charge.

VII. The accused ought to enjoy the benefit of all doubts, and of all uncertainty in the evidence ; because it is better that a hundred guilty persons should escape punishment, than that one innocent person should be unjustly convicted: the issue of a criminal trial involving every thing dear to the accused, if he be found guilty ; while his acquittal, though perchance he might be guilty, is comparatively unimportant to the public.

VIII. Every juror should perform his duty in regard to the accused, or decide between the plaintiff and defendant, as he would desire that those parties should act in regard to himself, were their situations changed. This sentiment should direct the juryman's attention during the trial, his anxiety in considering the verdict, and his caution in determining upon it.

IX. Jurors ought to guard themselves against popular prejudices, against the insidious sophistry and daring artifices of counsel, and

against undue influence in whatever quarter it may arise; and decide on an abstract and cool consideration of the proved facts, and the positive evidence of credible witnesses.

X. Unanimity is required in every verdict of a jury, because universal concurrence is the only test of truth, and a true verdict must necessarily produce unanimity: for in every case there exists some truth which it is the office and duty of the jury to detect and declare; while the required unanimity serves to render every one of the jury responsible to his own conscience, to the public, and to the parties.

XI. Every juryman should be specially cautious of convicting persons on evidence merely presumptive and circumstantial; the conviction and legal punishment are positive, and so, as far as possible, ought to be the proofs: no reasoning, however ingenious, and no circumstances, however corresponding, being equivalent to one positive proof, either in behalf of, or against the accused. Doubt ought to produce a verdict of *not guilty*.

XII. The jury should carefully consider how far the evidence sustains the charge of a criminal design in the accused; no act whatever which has not been committed with a proven, or obviously criminal mind or intention, involving any guilt, or any penal responsibility. Thus no man ought to be convicted of a crime, for any act committed in the exercise of his lawful business.

XIII. A careful juror should commit the material points to writing, and compare from his notes the evidence on both sides, deciding on his intuitive perceptions of right and wrong, and maintaining a vigilant caution against the prejudices, combinations, or misconceptions of witnesses, who by desire of the jury ought never to be allowed to be examined in the hearing of one another.

XIV. No man being responsible for the crime or act of another, no prejudice whatever should lie against an accused person, because some one has committed a crime, however enormous; and the jury before they convict any accused person, should take care that the charge has been brought home by distinct and unequivocal testimony, as well in regard to personal identity as to the fact, and the criminal intention.

XV. Juries should be governed in framing their verdict by the precise letter and fair construction of the law, as well as by the facts of the case. It is not their province to supply defects in the law, nor to stretch its meaning, lest any crime should go unpunished. Thus no man ought to be convicted of *murder*, unless the unlawful intention to kill be made palpable; and no man ought to be convicted of *forgery*, unless he has imitated or adopted another man's signature, with a manifest intention to defraud; for if the law has not provided for the punishment of every case of homicide, and of frauds which are not actual forgeries, it is not the provinces of juries to supply the deficiency.

XVI. The punishment inflicted by the court being generally founded on the abstract fact of the jury's conviction, with little or no regard to any peculiar features of each case; and the laws themselves being generally made for extreme cases of turpitude, the jury ought to recommend the guilty to mercy, as often as the circumstances afford a justifiable reason for abating the severity of legal punishment.

XVII. Every juryman, before he consents to a verdict, should reflect that the decision is conclusive of the hopes and fate of the party or parties implicated; for as the laws of England have provided no Court of Appeal against erroneous decisions of juries, so these ought never to decide on presumptions or probabilities; but their verdict ought to be as much a matter of certainty as its consequences are certain and inevitable in regard to the accused parties.

XVIII. Though persons convicted of crimes may sometimes obtain the royal pardon, yet the verdict of the jury is usually made an insuperable obstacle; and though in civil cases, verdicts are sometimes set aside, yet the expences are ruinous to the parties. In sentences passed by courts of law, and in all ulterior proceedings, it is pertinaciously and gravely assumed that twelve honest men have severally agreed on the verdict, not in a careless, hasty, or inconsiderate manner, but carefully, conscientiously, and deliberately. All the consequence of legal murders, oppressions and wrongs, rest therefore solely on every juror who has consented to an unjust verdict.

XIX. Honest and independent Jurors should beware of being made the tools of any practised Jurors, who, under the name of Special Jurymen, sometimes make a trade of the office, and for the purpose of retaining a profitable employment, endeavour, as often as possible, to give a verdict in accordance with the wishes of the court. Some men are sycophants to promote their sinister views, while too many others are sycophants of power from habit. Both classes are equally dangerous in the jury-box, and every upright Juror should avoid becoming their dupe, however specious, artful, or overbearing may be their conduct.

XX. Jurors should view with jealousy all charges against accused persons who appear to have been deprived of any privileges to which they are entitled by the usages of the constitution, and a due respect to the ends of justice: thus no accused person ought to have been committed for trial, except on the oath of at least one credbile witness; or called on to plead unless on the indictment of twelve of a Grand Jury; or arraigned on trial unless he has been supplied with a copy of the same, in time sufficient to summon witnesses; and has enjoyed during his previous detention the free access of his friends to concert measures for his defence.

XXI. As Grand Juries examine witnesses only against the accused, every case, so unopposed by any defence, ought to be completely and unequivocally made out as to the facts, the evil intention, and the application of the law; and the exercise of a scrupulous and jealous caution against unfounded, malicious, and irrelevant charges, can be attended with little danger or injury to the public, compared with the irreparable injury which the admission of a frivolous or malicious indictment may inflict on innocent and respectable persons.

XXII. The duties of a Coroner's Jury are often of the deepest importance to Justice and Liberty, being the first tribunal to decide on such acts of oppression, or abuses of power as have led to fatal results. Such Jurors are enabled to mark for punishment any murders committed by the wanton introduction of soldiery; and also to confer impunity on any just resistance made against unwarranted acts which may have been attempted under colour of law, or by any improper assumption of authority.

XXIII. In trying charges of libel, sedition, or treason, the jury should be jealously on their guard against party prejudices and the influence of the administration for the time being; and they should bear in mind, that it is chiefly in such cases, that Juries are so eminently the barriers of public liberty, the securities of the freedom of the press, and the guardians of their fellow citizens in its wholesome exercises.

XXIV. In trying libel causes, Jurors ought never to lose sight of the important services rendered to mankind, by the sacred right of freely discussing public topics, and the public conduct of public men; and of examining, asserting, and printing the Truth on all subjects of general interest, and, as the Law of Libel has in effect forbidden them to find a verdict of *guilty*, on mere proof of publication, so in the absence of all positive proof of criminal intention, they are warranted by that law in finding a general verdict of *not guilty*.

XXV. In deciding on political questions in general, every upright juror should respect the fundamental laws of the realm as laid down in Magna Charta, the Petition of Right, and the Bill of Rights; and should carefully avoid becoming the dupe of the sophistry of any obsequious authorities, or being made an instrument to give effect to temporary laws passed by overbearing factions, in contravention of the laws of God and right reason, of the just rights of the People, and of the fundamental principles and practices of the British Coustitution.

XXVI. The Foreman should ascertain and equally respect every opinion in the jury; and the verdict, after every member of the jury has been consulted, and it has been unanimously agreed upon, should be solemnly delivered; no variation being permitted to take place, on the suggestion or dictation of any one, unless the jury, before their decision is recorded, choose to retire again and formally sanction such proposed variation by their own new verdict.

XXVII. Previous to declaring their verdict, every juror should give the accused the fair benefit of those distinctions in the time, quantity, and quality of offences, which have been explanied by the judge or counsel; and he should anxiously consider, whether the accused has been identified, whether the fact charged has been brought home to him, whether the crime alleged is within the meaning and cognizance of the law, founding the verdict on his combined view of *proven*, not presumptive facts, and *established*, not constructive law.

XXVIII. It being the sole object of the proceedings in every trial to enable the jury to acquire correct views of the facts which bear on the questions at issue; it is the duty of every juryman to ask pertinent questions for his own satisfaction; to protect timid, inexperienced and embarrassed witnesses; to receive with caution the testimony of others, who are under the influence of fear, hatred, or expected reward; and to require the production of any species of evidence which is tendered or attainable, and which appears to him to be necessary.

XXIX. It is the delicate, but sacred duty of jurymen, to guard against the undue interference or mistaken views of judges, or presiding magistrates, who, often take on themselves to direct and dictate to juries, and in bad times have presumed to reprimand them for honest verdicts, or bully them into dishonest ones. The judge is authorised to expound the law, and if the jury cannot write, or have neglected to take down the evidence, it is necessary he should recapitulate the substance of his notes, but he is never warranted in dictating and over-ruling the decision. He should be respected by the jury, but not be implicitly obeyed.

XXX. Every juryman should recollect that while in the jury box he is acting for his country; that, in regard to cases brought before him he is the uncontrouled arbiter of justice; that he is the constitutional protector of suitors, and accused persons, against legal quibbles and oppressions; that he is the living guardian for his posterity of those sacred powers of juries, transmitted to him by his forefathers; and that the preservation of JUSTICE and LIBERTY depends on every firm and upright man doing his duty in every Jury.

Yet important as are the duties of Jurors, the first circumstance which attracts notice on opening a criminal court, is the uncertain attendance of those who are summoned to perform this office. One half either do not appear,

or allege some trifling excuse; for it is considered an irksome duty, and as it produces no profit or emolument, the burden is usually shifted from the more opulent classes downwards. The office has, however, nothing in it degrading, or calculated to lower the most respectable in general esteem; on the contrary, a man must be unsusceptible of useful impressions, if he can serve it without deriving much instruction and advantage, while as the arbiter between the litigants, he possesses for the time, in his own person, all the authority and power of the state. Nevertheless it seems unreasonable, that private citizens should be called from their own concerns, to perform a duty for the public, without some remuneration for time and expences; it would therefore aid the cause of justice, if jurors, both grand and petit, were allowed their travelling expences and subsistence while thus engaged. A concession in this respect, and an obligation on the Sheriff to summon all Juries from three neighbourhoods set down alternately in the panel, would so much improve the jury system, as to render it a bulwark of security, on which all might rely with perfect confidence, against the repetition of many such scenes as are described in the following pages.

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REMARKABLE TRIALS

AND

CELEBRATED CRIMINALS.

SIR JOHN OLDCASTLE,

LORD COBHAM, TRIED FOR HERESY, IN THE YEAR 1413, AND AFTERWARDS FOR TREASON, 1417.

In the first year of the reign of Henry V. King of England, there was a synod of the clergy convened at London by Thomas Arundel, Lord Archbishop of Canterbury, in order to suppress those people whom they called Lollards, according to the chronicle of St. Albans, of which sect the Lord Cobham was reputed to be the head and chief promoter. The general proctors exhibited complaints against him for having maintained suspected preachers in the diocesses of London, Rochester, and Hereford; that he not only sent the said preachers thither, but he supported them by force of arms, notwithstanding the synodical constitution before made to the contrary; and finally they charged him with heterodoxy with respect to the sacrament of the altar penances, pilgrimage, image-worship and ecclesiastical jurisdiction, and so they resolved forthwith to order a process out against him for a most pestilent heretic.

But some of that body having either more prudence or more moderation than the rest, were of opinion they should not give so rashly into that matter, considering that the Lord Cobham was a man of great quality, and at that time in the favour of his prince, and therefore they thought it most advisable to make the king first acquainted with it, to know what his Majesty thought of it. The archbishop, bishops, and the greatest part of the clergy, thought fit thereupon to wait upon the king, who then kept his court at Kennington, and there open

their complaints against the noble lord, in a very ample and aggravating manner: The king having given them a favourable audience, answered, that considering the nobility and knighthood of the Lord Cobham, he desired they would go tenderly to work, and if it were possible, without proceeding to rigorous means and severities, he might be reclaimed and brought back to the unity of the church: he also promised them, that in case they were not content, to take some further delibesation in so momentous an affair; that he would himself seriously confer with his lordship about it.

Accordingly the king sent for Lord Cobham, and advised him to submit himself to his mother the holy church, and as an obedient child to acknowledge himself to be culpable.

Cobham taking what the king said to him very kindly, made answer, "Most worthy prince, I am always ready and willing to obey, because I know you are a christian king and the appointed minister of God, bearing the sword for the punishment of evil doers, and the safety of those that do good. Unto you, next to the eternal God, I own entire obedience, and I subject unto you, as I have ever done, all that I have, whether in respect to life or fortune; being ready at all times to perform whatever you shall in that, my lord, command me. But as for the pope and his spiritualities, I owe them neither suit nor service; for as much as I know him by the scriptures to be an antichrist, the son of perdition, an open enemy of almighty God, and an abomination standing in the holy place."

When the king had heard this, and found his lordship, as he thought, irreclaimable; and that the archbishop waited upon him in order to know his resolution, his highness left it entirely to the convocation to proceed against him, according to their own methods, and to punish him according to his demerits. The first thing they did was to cite him to appear personally before them, to answer to such articles as should be laid to his charge, and of which he was suspected to be guilty. The first citation was sent to the castle of Leeds, where his lordship at that time resided. When the officer came thither, he was asked, how he dared enter into a nobleman's house without his leave? and so he was sent away without delivering his message.

The convocation being disappointed herein, the archbishop sent for one John Buller, who was then doorkeeper to the king's privy-chamber, and engaged him by promises and rewards to do the business under colour of the king's name; accordingly Buller taking the summons, went to the Lord Cobham's house, and having admittance, acquainted him that it was the king's pleasure he should obey that Citation, but his lordship suspecting the fraud, answered, That he would never comply with those devilish practices of the priests. The archbishop being acquainted with this answer, and that it was not advisable to send any body privately to cite him again, for fear of endangering his life, resolved at length to have his lordship cited by a public process: and therefore he ordered, that on the Wednesday before the nativity of the Virgin Mary, in the month of September, citatory letters should be set upon the great gate of the Cathedral of Rochester, which was but three English miles distance; charging him to appear in person before him on the 11th day of the same month and year, without admitting of any excuse whatsoever; but Lord Cobham's friends soon pulled down the citation, and it being put up afterwards in the same place by the archbishop's order, it underwent the same fate.

Upon the non-appearance of Lord Cobham, the archbishop adjudged, denounced, and condemned him of being guilty of the highest contumacy; and being farther informed, that Lord Cobham laughed at all this, despised his proceedings, contemned the power of the church, the dignity of the bishops, and the order of priesthood, of all which he was accused; he hastily proceeded to open excommunication of him, and commanded him to be summoned anew to appear before him on a day prefixed; threatening that if he did not obey, he should meet with worse usage; and the more effectually to compass his ends, he required the civil power, under the penalty of the curses and interdictions of the church, to assist him against that seditious apostate, schismatic heretic, disturber of the public peace, and great adversary of the holy church.

Lord Cobham being sensible of the dangers which beset him from almost all quarters, wrote a confession of his faith, and having signed and sealed the same,

wherein also he answered the four principal articles exhibited by the archbishop against him; he took it along with him, and went forthwith to wait upon the king, in hopes he might find favour at his hands. He began with the apostles' creed, and for a farther declaration of his belief, added,

"That he steadfastly believed there was but one almighty God, in and of whose Godhead there were three persons, Father, Son, and Holy Ghost; and that these three were the self-same God; he also believed that the second person in the blessed Trinity, in due time, as it had been before ordained, took flesh and blood upon him of the Virgin Mary, for the salvation and redemption of all mankind, lost by Adam's fall.

"He believed farther, that Jesus Christ our Lord, being both God and man, was the only head of the whole Christian church, and that all that have been, or shall be saved, were members of that most holy church, which, he thought, consists of three parts; and the first of which were now in heaven, being the saints from hence departed; who, while they were here below, conformed their lives to the most holy laws, and pure example of Christ, renouncing the devil, the world and the flesh, with all evil lusts and concupiscences. The second were in purgatory, (if there was any such place in the scripture) waiting for the mercy of God and a full deliverance from pain. But he wrote contrary to this to the parliament. The third were here upon earth, and were what was called the church militant, since they struggled day and night against the crafty devices of satan, the flattering prosperities of the world, and the filthiness of the flesh.

"He said, that this last part, by the just appointment of divine majesty, consisted of three parts, viz. the priesthood, knighthood, and the commons; that it was God's pleasure, that the one should assist and not destroy the other; that the priests in the first place being excluded from all worldly affairs, should wholly conform their lives to the example of Christ and his apostles: that their time should always be employed in preaching and rightly expounding the scriptures, and in setting a good example of holiness to the other two sorts; they should also be more modest, gentle, kind, and humble-spirited than the rest.

"Whithin the bounds of knighthood are all those included, who bear the sword by virtue of their office; these are to maintain the laws of God, and to see that the gospel be purely taught, and to conform their lives to the holy precepts thereof, excluding all false teachers, nay, they ought rather to hazard their lives than bear with such ordinances as are either a blemish to the eternal truths of God, or obstruct the free progress of them, whereby schisms and heresies might arise in the church; the source of which, he supposed, were certain erroneous constitutions, which cunningly crept in under the cover of hypocritical falsehood, for peculiar advantages. They were also to defend the people of God from oppressors, tyrants and robbers, and to see that the clergy should be maintained and supported, as long as their doctrine was pure, their prayers and the

sacraments duly administered; but if they found them act otherwise, they were obliged, by virtue of their office, to force them to alter their course, so as that all things might be performed according to the rules which God had prescribed them.

"That the third and last part of the church consisted of the commonality, whose duty it was to be truly faithful and obedient to the forementioned members of God, viz. their kings, civil governors, and priests. Their real business is to follow their respective callings and occupations, whether they be traders, handicrafts, or husbandmen; so as to be helpful to one another, and always in their stations performing God's just commands.

"He believed, over and above all this, that the sacraments of the church were necessary for all christians, and that care should be taken to have them always duly administered according to Christ's ordinance and primitive institution, and that for as much as he was most maliciously and falsely accused of disbelieving the sacrament of the altar, to the offence of many, he testified thereby unto all men that this was his faith in that respect, that he believed there was contained in that sacrament the very body and blood of Christ under the similitude of bread and wine, nay, the very same body which was conceived of the Holy Ghost, born of the Virgin Mary, was crucified, died, and buried, rose again the third day, and was then glorified in Heaven.

He concluded thus: "It is also my belief, that God requires no more of christians in this life, than only to obey the precepts of that most holy law. If any prelate of the church require more, or any other kind of obedience than this to be used, he despises Christ, exalts himself above god, and so becomes an open antichrist. All the promises I believe in particular, and generally every thing which God in the scriptures hath left us to believe; earnestly entreating my liege lord and sovereign, that this my confession may be impartially examined, by the most pious, wise, and learned men in the kingdom; and if they find it every way agreeable to the truth, let it be so taken, and myself thereupon reputed a good christian; if it appear to be otherwise, let it be utterly condemned; but so as I may be taught a better faith from the word of God, and I shall at all times very devoutly yield obedience thereunto.

Lord Cobham having offered this his confession to the King, praying him, with all submission and humility, to read it over; the king refused absolutely to receive it, but commanded it to be delivered to them who were his proper judges. Having failed to obtain this favour, he demanded, in the king's presence, that a hundred knights or esquires might be suffered to come in for his purgation, who, he knew, would acquit him of all heresy. Again, he offered, pursuant to the law of arms, to fight with any man, whether christian or heathen, in defence of his faith, the king's majesty and his council only excepted. Finally, he protested in all humility, before all persons there present, that he would

decline no manner of punishment, which, according to the law of God, should be inflicted on him; but always subject himself unto it with the meekness of a christian.

All this availed him nothing, for the king was highly enraged, and suffered Lord Cobham to be summoned personally in his privy-chamber to appear before the court; upon which his lordship told the king that he had appealed from the archbishop to the pope, and therefore he could by no means be his judge; and thereupon producing this appeal in writing, he shewed all due respect to his majesty, who being much more dissatisfied than before, replied furiously to him, That he should not prosecute that appeal, but continue in custody till such time as the pope allowed of it, and then the archbishop, whether he would or not, should be his judge.

Now the Lord Cobham refusing to swear that he would in all things submit himself to the church, and so to undergo such penance as the archbishop should think fit to enjoin him: He was again arrested by the king's command, and conveyed to the Tower of London.

On the 23d of September, his lordship was brought before Thomas Arundel, lord archbishop of Canterbury, Richard Clifford, bishop of London, and Henry Bolingbroke, bishop of Norwich, by Sir Thomas Morley, knight, lieutenant of the Tower, when the archbishop spoke thus: "Sir John, in the last general convocation of the clergy of this our province, you were detected of certain heresies, and by sufficient witnesses found culpable, upon which you were, pursuant to the forms of the Spiritual court, cited to appear, but utterly refused it; so that continuing in your rebellion and contumacy, you were at last both privately and publicly excommunicated; nevertheless, we never yet appeared backward to grant you any absolution, neither do we still do it, if you would but submissively ask it, as you ought to do."

Lord Cobham seemed as if he had not heard what the archbishop said, his thought being otherwise taken up, and so desired no absolution, but said he would be glad if the archbishop and his brethren would give him leave to make a confession of the faith he had always held,

and thereupon taking an indented writing out of his bosom, which was an answer to the articles of which he was accused, and having read it aloud before them; when he had done, he delivered it to the archbishop, and the same runs thus:—

"I, John Oldcastle, knight, Lord of Cobham, make known unto all men, that I call almighty God to witness that it has been, now is, and, by the grace of God, ever shall be my design and inclination, fully and sincerely, to believe all the sacraments which God has appointed in his holy church; and more particularly I do explain myself in respect to the four following articles; that I do believe the most holy sacrament of the altar is Christ's body in form of bread, the same body that was born is the blessed virgin, that was crucified, dead, and buried, which body is now glorified in heaven.

"As for the Sacrament of penance, I do believe it is necessary for all those that shall be saved to forsake sin, and to do penance for sins already committed, making a sincere confession thereof, having an unfeigned contrition for the same, and give due satisfaction pursuant to the divine law, otherwise he cannot be saved; which penance I desire all men to do.

"Then for images, they be not matter of faith, but were instituted by the fathers of the primitive church, in order to serve as calenders to lewd men, to put them in mind of the passion of our saviour, and the martyrdom and holy lives of other saints; and that whoever he be, that pays adoration to dead images, which is due only to God, or puts his trust and hopes in them, which he should place in God alone, or affects one of them more than he does another, he is guilty of that most abominable of all crimes, idolatry.

I am also of opinion that every man on earth is a pilgrim towards happiness or misery; that he that knows not, will not know nor keep God's holy commandments here in his life-time, though he goes in pilgrimage all the world over, and dies so, shall be damned; and that he who knows God's holy commandments, and keeps them to the end, shall be saved, though he never went in pilgrimage in his life, as men use now to go to Canterbury, Rome, or any other place.

The archbishop, bishops, with several other doctors there present, having heard his answer read, after they had consulted together, resolved, that his answer was too general; and the archbishop, in the name of himself and the rest of them, said to him, "Come hither Sir John, there are many good and catholic things contained in your writings, we must own, but you ought to consider that this day was appointed for you to answer to some other point, relating to those articles of which you have taken no manner of notice in your paper, and therefore we do expect you should explain yourself more fully concerning them. As, for instance, whether

you hold, affirm, and believe, that the material bread remains in the sacrament of the altar, or not, after it has been rightly consecrated by the priest? farther, whether you hold, affirm, or believe, in reference to the sacrament of penance, where a sufficient number of priests may be had, every christian is necessarily bound to make a confession of his sins to a priest ordained by the church or not?

To this the Lord Cobham replied, that he had already declared his mind to them, and that he would give them no other answer to their articles than what was expressly contained in his writing. Upon which the archbishop said unto him, "Sir John, have a care what you do; for if you do not give distinct and positive answers to the things laid to your charge, especially at the time set for you to that end; the Ecclesiastical law is, that being once cited by a judge, we may openly proclaim you a heretic." "Do as you will," replied my Lord Cobham, "I'll stand to what I have said." So that whatever questions the archbishop or bishops afterwards asked him, he referred them to the instrument he had given them in writing, to which he would adhere even to death. This is all they could get out of him that day, which surprized and made them not a little uneasy.

However, the archbishop advised him again to answer, and at last declared to him what the church of Rome had determined in those affairs, to which the Lord Cobham answered, "that he would both readily believe and observe what the church, instituted by Christ, had determined, or whatever God required him either to do or believe; but that the pope, with his cardinals, archbishops, bishops, or doctors, prelates of that church, had a lawful power to determine such things as were not wholly consistent with his word, he said he would not affirm at that time." Upon this, the archbishop advised him to consider well of the matter till the 25th, when they expected a direct answer from him, especially as to this article, "Whether the material bread remained in the Sacrament of the altar after the words of consecration, or not." Hereupon he promised to send him those matters clearly determined in writing, that he might be the more capable to make his answer. This the archbishop sent next day to him to the Tower,

under the title of "The determination of the archbishop and clergy; and the substance of it here follows:—

"The faith and determination of the church concerning the sacrament of the altar is this: That after the sacramental words are once pronounced by the priests in the mass, the material bread is turned into Christ's body, and the material wine, which before was wine, is turned into Christ's real blood; so that from thenceforward there remain no material bread nor wine in the sacrament, which were there before the consecrating words were pronounced; how do you believe this article?

"The church has determined that every christian here upon earth ought to come to confession to a priest ordained by the church, if he can come at once; what say you to this article?

"Christ appointed the apostle St. Peter to be his vicar upon earth, whose see is the church of Rome, and has granted the same power he gave to Peter, to all his successors, whom now we call popes, by whose authority prelates, such as archbishops, bishops, parsons, curates, and other officers, are appointed, whom christians, pursuant to the determination of the church of Rome, are to obey; how do you like this article?

"The church has declared, that it is meritorious in a christian to go on pilgrimage to holy places, and there especially to worship holy relics, and the images of saints, apostles, martyrs, confessors, and all other saints besides, that are allowed to be so by the church; what say you to this article?"

The 25th of September, anno 1413, being come, on which Lord Cobham was to appear again; the archbishop ordered his judicial seat from the chapel of St. Paul's to the Dominican Friars within Ludgate. The persons there present, besides the archbishop, were,

Richard Giffard, bishop of London.
Henry Woodlock, bishop of Winchester.
Benedict Nichols, bishop of Bangor.

The doctors, whom the archbishop called to his assistance, and that were there present, were,

Henry Ware, official of Canterbury.
Phillip Morgan, doctor of laws.
Howel Kiffin, doctor of the canon law.
John Kemp, doctor of the canon law.
William Carleton, doctor of the canon law.
John Witman, of New College, Oxon.
John Whitehead, an Oxford doctor.
Robert Wobewell, vicar of St. Lawrence Jewry.
Thomas Palmer, warder of Friars Minors.
Robert Chamberlain, prior of the Dominicans.
Richard Dodington, prior of the Augustines.
Thomas Walden, prior of the Carmelites.

All these were doctors in divinity; and, besides them, John Stephen and James Cole, both public notaries, were appointed to write down the proceedings; to say nothing of the vast company there was of priests, monks, canons, friars, parish-clerks, bell-ringers, pardoners, &c.

One of the first things the archbishop did in court, was to call for a mass-book, and to make all the prelates and doctors there present, to swear they would, every one of them, sincerely do his duty that day, and that without any regard, fear or favour, hatred or affection, like or dislike, to any party whatsoever, nothing should there be sworn, said, or done, but what was consonant to truth, as they would answer for the same in the presence of God, and all the world at the last day. This done, the two notaries were also sworn faithfully to set down the proceedings of the court, and to speak their minds of things, if they knew otherwise, before they registered the same.

Sir Robert Morley, lieutenant of the tower, having brought his prisoner, the Lord Cobham, into the court, the archbishop said to him, "My Lord Cobham, I am certain you cannot be unmindful of the proceedings against you on Saturday last, in the chapter-house of St. Paul's, which are too long to be now repeated: I told you then you were accused for contumacy and disobedience to the church, in hopes you would humbly beg for absolution." To this Lord Cobham, with a cheerful aspect, made answer, "God says by his holy prophet, "'*Maledicam benedictionibus vestris*;' I shall curse whom you bless." Upon which, without any notice taken of these words, the archbishop continued his discourse, "Sir, I then kindly offered you absolution, if you would have desired it, and I still do the same, provided you seek it in a due manner and form, as the church requires."

To this Lord Cobham replied, "This, I do assure you, I will not do, for I have never yet offended you." Then kneeling down upon the pavement, and lifting up his eyes towards Heaven, he said, "I confess before thee, O eternal and living God, that in the frailty of my youth I have grievously sinned against thee, by reason of my pride, passion, gluttony, covetousness, and uncleanness: many men I have injured in my wrath, and

I have committed many other horrible offences; O, Lord, be merciful to me." And then, standing up, with tears in his eyes, he said, with a loud voice, "Behold, good people, behold, they have never anathematized me for violating God's law and his commandments; but they do most cruelly persecute me and other men, upon the account of their own laws and traditions, and, therefore, both they and their laws, according to the divine promise, shall be utterly destroyed."

The court could not but shew resentment at these words, and the archbishop having said some things in justification of their proceedings, he began to examine Lord Cobham as to his faith, and was answered thus by his lordship: "I do fully and faithfully believe the whole law of God; I believe all that to be true which is contained in the holy scriptures; and, lastly, I believe all that my Lord God would have me believe." This said, the archbishop required him to give his answers to the writing they had the day before sent him to the tower, by way of the church's determination in respect to the four articles of which he was accused, especially that about the sacrament of the altar, and what his belief was concerning it.

The answer Lord Cobham made, was, "That he had nothing to do with that writing;" but he said, "This was his belief concerning the sacrament, that his Lord and Saviour Jesus Christ, sitting at his last supper with his disciples, the night before he suffered, took bread, and giving thanks to God the Father, blessed it and broke it, and so gave it to them, saying, 'Take, eat all of it, this is my body which shall be broken for you; do this hereafter in remembrance of me.' This I do thothroughly believe," said he; "this is the faith I am taught by the gospels of St. Matthew, St. Mark, and St. Luke; as also by the first epistle of St. Paul to the Corinthians, and the second chapter."

Then the archbishop asked him, whether he believed it to be bread, after the consecration, or the sacramental words were pronounced over it.

Lord Cobham replied, "I believe Christ's very body to be in the sign of bread in the sacrament, the same body that was born of the Virgin Mary, that suffered on

the cross, was dead and buried, and rose the third day from the dead, and is now glorified in Heaven."

Now one of the doctors of law saying, that after the sacramental words are pronounced, there is no bread left, but only the body of Christ, Lord Cobham upon that spoke to Dr. John Whitehead, there present; "You said once to me in the castle of Couling, that the sacred host was not Christ's body; but I then opposed you, and proved his body was there; though the friars and seculars could not agree about it, but differed in their opinions: you may remember these were then my words upon the occasion."

Then a great part of the court made a shout, and cried aloud, "We all say it is God's body;" and several of them very angrily asked him, "Whether, after the consecration, it was material bread or not." The prisoner looking then very earnestly upon the archbishop, and saying, "I firmly believe it to be Christ's body in the form of bread; Sir, do not you believe it to be so?" The archbishop replied, "Yes, marry do I."

Then asking him whether the bread, after the priest had consecrated it, was only Christ's body, or not; he answered, "It was Christ's body and bread both," which he proved thus: "As Christ's body living here on earth had both the divinity and humanity in it, and had the invincible divine nature cloathed with the human nature, which was only visible in him: so, in the sacrament, you have the very body of Christ and the bread; that which we see with our eyes, I believe to be bread, and that the body of Christ, consisting of his flesh and blood, is concealed under it, and invisible any other way than by faith. Further, to prove that it is Christ's body and also bread, after the words of consecration, it is very plainly expressed by one of your own doctors, I mean Gelasius, in his book against Eutiches, saying, 'As the self-same sacraments, by the operation of the Holy Spirit, pass into a divine nature, and yet still retain the property of their former nature;' so that principal mystery declares it remains one true and perfect Christ."

The court thereupon smiled upon one another, and many of them haughtily cried out, "Its a pestilent

heresy." The archbishop, in the next place, asked what bread it was? and the doctors also questioned him as to the materiality of it or not? Lord Cobham replied, "The scripture makes no mention of the word material, and, therefore, I have nothing to do with it; but this I say and believe, that it is Christ's body and bread; for Christ said, in the 6th chapter of St. John's gospel, '*Ego sum panis vivus, qui de Cœlo descendi;* I, who came down from Heaven, am the living and not the dead bread.' Therefore I say, as before, that our Lord Jesus Christ is true God and true Man, so you have Christ's real body and bread both in the blessed sacrament."

Then the court, with one voice, cried out, "This is heresy;" and one of the bishops, standing up, said, "It is downright heresy to say that it is bread, after the words of consecration are once pronounced, but only Christ's body." The Lord Cobham upon this said, "I am sure St. Paul the Apostle was as wise as you are, and yet he, in his Epistle to the Corinthians, calls it bread: 'The bread that we break,' said he, 'is it not a partaking of the body of Christ.' You see he calls it bread, and not Christ's body; but the means whereby we receive Christ's body."

The court, in answer to this, said, "St. Paul must be otherwise understood, for 'tis certainly heresy to say it is bread, after the words of consecration, but only Christ's body." The Lord Cobham asked them, how they could make that appear; that it was against the determination of holy church.

The archbishop, taking up the matter, told the noble prisoner, "Sir John, we sent you a writing concerning the belief of the blessed sacrament, clearly determined by the church of Rome, our mother, and by the holy doctors." "I know of none," said Cobham, "more holy than Christ and his apostles; and as to the determination you mention, I know it is none of theirs, because it does not agree with the scriptures, but is directly opposite to it; but if it be the church's, as you say, it has been her's only since she received the grand poison of worldly wealth, and not before."

The court, to stop his mouth, asked him if he did not believe in the determination of the church: "No,"

said he, "for the church is no God; the word In is mentioned but thrice in the whole creed, in reference to our belief, viz. In God the Father, In God the Son, In God the Holy Ghost. The birth, death, burial, resurrection, and ascension of Christ, have no In prefixed to them, but in him; neither have the church, the sacrament, the remission of sins, the resurrection of the body, and life everlasting, any other In, than in the Holy Ghost."

One of the lawyers taking him up roundly, and saying, "That is but a word of office, but what is your belief concerning the church?" Lord Cobham replied, "My belief is, as I said before, that all the scriptures contained in the holy Bible are true; all that is grounded upon them, I thoroughly believe; for I know it is God's will I should do so: but as to your lordly laws and vain determinations, I have no manner of regard to them; for your works plainly shew you are no part of God's holy church, but very Antichrists, as being obstinately bent against his holy law and will. The laws that you have enacted, no way tend to his glory, but only to your own vain-glory and base avarice."

The court being nettled with this discourse, declared it to be abominable heresy, to disbelieve the determinations of the church. Then the archbishop asking the Lord Cobham, what he thought of holy church; his answer was, "My belief is, that holy church is made up of such members as shall be saved, and of whom Christ is the head: one part of this church is in Heaven with Christ; another, you say, in purgatory, and the third here on earth." Then the archbishop asked him, "Can you tell who is of this church?" And said he, "Yes, indeed, can I." Then Doctor Walden, prior of the Carmelites, took him up, saying, "You cannot be certain who is yet; for our Saviour, in St. Matthew, says, '*Nolite judicare*, presume to judge no man.' Now, if you are in this text forbid to judge your brother or neighbour, much less are you to judge your superiors." Lord Cobham replied, "Our Saviour says also, in the same chapter, 'that the evil tree is known by its fruit, so is a false prophet by his works, let them seem never so glorious;' but that you omitted. You have also these words in St. John, '*Operibus*;'

and in another place, '*Justum Judicium Judicate;*' when we know a thing to be true, we may pass our judgment on it without offence; for David says also, '*Recté Judicate filii Hominum*, always judge right by the children of men;' and as for your superiority, if you were of Christ's flock, you would be meek and no proud superiors."

Then the archbishop said, "Well, I see too plainly that the law must have its course, and that we must proceed forthwith to a definitive sentence, and condemn you for a heretic." The archbishop, thereupon standing up, read his sentence of condemnation, all the clergy and people there present at the same time veiling their bonnets.—The tenour of the sentence was thus:—

"In the name of God, so be it. We Thomas, by Divine Providence, archbishop of Canterbury, metropolitan and primate of all England, and legate from the apostolic see of Rome, will this to be known unto all men. In a certain cause of heresy, and upon divers articles, whereupon Sir John Oldcastle, knight, and Lord Cobham, after a diligent inquisition made for the same, was detected, accused, and presented before us in our last convocation of all our province of Canterbury, held in the cathedral church of St. Paul's, London; at the lawful denunciation and request of our clergy in the said convocation, we proceeded against him according to the law, God is our witness, with all possible favour, and following Christ's example to the best of our power, who willeth not the death of a sinner, but rather that he should be converted and live; we took upon us to correct him, and sought all other possible ways to bring him back to the unity of the church; declaring unto him what the holy and Catholic church of Rome has said, held, determined, and taught in that behalf.

"And though we found him in the Catholic faith far wide, and so stiff-necked, that he would not confess his error, nor purge himself, nor yet repent him thereof, yet we, having a fatherly compassion upon him, and entirely desiring the welfare of his soul, appointed him a competent time of deliberation, to see if he would repent and seek to be reformed; but, since that time, we have found him worse and worse. Considering, therefore, that he is incorrigible, we are driven to the very extremity of the law, and with great sorrow of heart, we now proceed to the publication of the definitive sentence against him."

Here he produced another instrument in writing, containing the said sentence, which ran thus:—

"We take Christ to witness, that we seek nothing else in this our whole enterprize but only his glory. For as much as we have

found by divers acts done, brought forth and exhibited by several evidences, signs, and tokens, and also by several most manifest proofs, the said Sir John Oldcastle, knight, and Lord Cobham, not only to be an evident heretic in his own person, but also a mighty maintainer of other heretics, against the faith and religion of the holy Catholic church of Rome, namely, about the sacrament of the altar and of penance, besides the Pope's power and pilgrimages; and that he, as the child of iniquity and darkness, has so hardened his heart, that he will in no wise hearken to the voice of his pastor, neither will be be reclaimed by strict admonitions, nor otherwise by kind and favourable expressions. The merits of the cause being first weighed on the one side, and his demerits again on the other side; his faults also aggravated and doubled through his damnable obstinacy; we being loth that he who is naught should be worse, and so with his contagiousness infect the people; by the prudent advice and consent of the very reverend fathers, our honourable brethren and lords bishops here present, Richard of London, Henry of Winchester, and Benedict of Bangor, and of other great, learned, and wise men here, both doctors of divinity and of the canon and civil laws, seculars, and ecclesiastics, with several other knowing and experienced men, called to their assistance. We, sententially and definitively, by this present writing, judge, declare, and condemn the said Sir John Oldcastle, knight, and Lord Cobham, for a most pernicious and detestable heretic, convicted of the same, and utterly refusing to obey the church again, committing him, from henceforward, as a condemned heretic, to the secular jurisdiction, power, and judgment, to put him thereupon to death. Farthermore, we excommunicate, denounce, and hold accursed, not only this heretic here present, but as many else besides as shall hereafter in favour of his error, either receive him, advise, or help him, or any other way maintain him, as very favourers, receivers, defenders, advisers, aiders, and maintainers of a condemned heretic.

"And that these Premises may be the better known to all good christians, we commit it here to your charge, and also very strictly command you by these presents, that you cause this condemnation and definitive sentence of excommunication, concerning this heretic and his favourers, to be published throughout all dioceses, in cities, towns, and villages, by your curates and parish priests, at such times as they shall have the greatest concourse of people, and see that it be done after this manner: As the people are thus assembled devoutly together, let the curate every where go into the pulpit, and there open, declare, and explain this excess in the mother tongue, in an audible and intelligible manner, that it may be understood by every body; and that from an apprehension also of this declaration, the people may turn off from their evil ways and opinions, lately broached by seditious preachers. Moreover, our pleasure is, that after we have delivered to each of you, who are bishops here present, a copy hereof, that you order several transcriptions to be made of it, and so send them to the other bishops and prelates throughout our whole province; that they may also see the contents of it solemnly published within their

dioceses and cures. Lastly, our will is, that both you and they notify unto us, distinctly and faithfully, the matter as it stands, without any evasion in all its particulars, viz. the day on which you receive this process, the time when it was executed of us, and and after what manner it was executed in all its circumstances, according to the tenour thereof, that we may know it to be exactly the same."

The archbishop of Canterbury sent afterwards a copy of this instrument, on the 10th of October, 1413, from Maidstone, to Dr. Richard Clifford, lord bishop of London; the bishop of London sent another copy of it to Robert Marshall, a Carmelite, then bishop of Hereford, and he one from London to his archdeacon and deans, at Hereford and Shewsbury; all the other bishops did the like.

But to return: when the archbishop had read aloud his sentence of death before the people, Lord Cobham, with a cheerful countenance, said, "Though you condemn my body, which is but a despicable thing, I am very certain you cannot injure my soul, no more than Satan could that of Job; he that created it will, of his infinite mercy, and according to his good promise, save it; of this I make no manner of doubt; and as for the articles I have already offered, I will, by the grace of God, adhere to them, even to death." Then, turning about to the people, and lifting up his hands, he said, with a loud voice, "Good christians, have a care of these men, they will otherwise beguile, and lead you blindfold together into hell, for Christ says plainly to you, 'If the blind lead the blind, they will both fall into the ditch.'"

Then falling down upon his knees in the court, with hands and eyes lifted up to Heaven, he prayed for his enemies, saying, "O eternal God, I beseech thee for thy great mercy sake to forgive my prosecutors, if it be thy blessed will." This done, he was delivered into the custody of Sir Robert Morley, and carried prisoner to the tower.

When Lord Cobham was in the tower, he sent privately to his friends, who, at his desire, posted up papers in several parts of the city of London, to this effect:

"For as much as Sir John Oldcastle, knight, and Lord Cobham, is unjustly convicted and imprisoned, and by his enemies basely

traduced and scandalized among the people, that he should either think or speak otherwise concerning the sacraments of the church, and particularly of the holy sacrament of the altar, than what he has writ in the confession of his faith, which he presented to the clergy, and also put up in divers public places, in London: This is to let all the world know, that he has never since varied one tittle from it; but that that is plainly and sincerely his belief. Also, that all the sacraments instituted in the church, are good and edifying to all that shall be saved, provided they take them as Christ and his true church has appointed. Farther, he sincerely believes that Christ's body is verily and indeed in the sacrament of the altar, in the form of bread."

Notwithstanding this precaution of Lord Cobham's and his friends, his enemies, by their emissaries, spread reports every where that he was become a new man, that he had most humbly submitted himself to the church, utterly disavowing the opinions he held before concerning the sacrament; and, therefore, somebody counterfeited an abjuration for him, which here follows;

"*In dei Nomine, Amen.* I, Sir John Oldcastle, being denounced, detected, and convicted of divers articles, favouring both of heresy and error, before the reverend father in God, and my good Lord Thomas, by divine Providence, Lord Archbishop of Canterbury, my lawful and proper judge in that case, do expressly own and confess; that as to the state and power of our most holy father the Pope of Rome, of his archbishops and bishops, and other prelates the decrees of the church and the holy sacraments instituted in the same, especially the sacraments of the altar and of penance, and other rights and observances besides of our holy mother the church, such as pilgrimages, absolutions, and the like: I do say and affirm, before the said reverend father the archbishop and else where, that I, being wickedly seduced by several preachers, have grievously erred, heretically persisted, blasphemously answered, and obstinately rebelled. And, therefore, I am, before the said reverend father, and also the other reverend fathers in God the bishops of London, Winchester, and Bangor, lawfully and justly condemned for a heretic.

"Nevertheless, having duly weighed things, and being desirous hereby to escape that temporal punishment which I deserve to undergo as a heretic, at the appointment of my liege lord, and that most excellent Prince Henry V. now king of England and France, and also determined to prefer the wholesome degree, sentence, and doctrine of the holy Catholic church of Rome, before my own and my teachers and followers' pernicious opinions, I do freely, willingly, deliberately, and thoroughly confess, allow, and affirm, that the most holy father in Christ, St. Peter, and his successors, and especially at this time my most blessed Lord Pope John XXIII. who now sits in St. Peter's chair, and every of them successively, have full power and authority to be Christ's vicars on

earth, and the head of the church militant; and that by virtue of his office, though he should be a great sinner, and to be damned in the fore-knowledge of God, he has full power and authority to rule and govern, bind and loose, save and destroy, to curse and bless all other christians.

"And I do still, conformable hereunto, confess, allow, and affirm, that all other archbishops, bishops, and prelates, in their provinces, diocesses, and parishes, appointed by the Lord Pope, to assist him in his function, and affairs ecclesiastic, having had in time past, now have, and for the future ought to have, power and authority, to rule and govern, bind and loose, curse and bless the subjects or people of the said provinces, diocesses, and parishes, and that their said subjects or people ought of right, in all things, to obey them. Farther, I confess, grant, and affirm, that the said spiritual fathers, I mean our most holy father the Pope, archbishops, bishops, and prelates, have had, now have, and hereafter ought to have, power and authority, for the good and well government of their subjects or people, to make laws, decrees, statutes, and constitutions; nay, and to require, command, and force their said subjects and people to the observance of them.

"Moreover, I confess, allow, and affirm, that all christians, and every man in particular, are strictly bound to observe all the aforesaid laws, decrees, and constitutions, so made, pronounced, and commanded, according to the ecclesiastical law, and humbly to obey according to the diversity of the said powers, as the laws, statutes, canons, and constitutions of our most holy father the Pope; incorporated in his decrees, decretals, clementines, codes, charts, rescripts, sextiles, and extravagants, all over the world; and also the provincial statutes of archbishops in their provinces, the synodical acts of bishops in their diocess, and the commendable rules and customs of prelates in their colleges, and of curates in their parishes, which all people are bound to observe, and also most humbly to obey. I, John Oldcastle, utterly forsaking and renouncing all the foresaid errors and heresies, and all other errors and heresies like to them, lay my hand here upon this book or holy gospel, and swear that I shall never more, from henceforward, wittingly maintain these or any other heresies like them; neither shall I advise, assist, help, or any time favour any of those, who shall hold, teach, affirm, or maintain the same. So help me God, and these holy gospels.

"And that I shall from henceforwards faithfully obey and inviolably observe all the holy laws, statutes, customs, and constitutions of all the Popes of Rome, archbishops, bishops, and prelates, as they are contained and determined in their holy decrees, decretals, clementines, codes, charters, rescripts, sextiles, sums papal, extravagants, statutes, provincial, synodical acts, and other ordinary rules and customs constituted by them; or shall hereafter happen to be directly made or determined. To these, and all other the like, will I apply myself with all might; besides which I will humbly obey and faithfully perform whatever penance my said reverend father, the archbishop of Canterbury, shall hereafter enjoin me for my sins. Finally, I shall take care that all my

seducers and false teachers, and all other like them, whom I may, for the future, come to know to be suspected of heresies and errors, shall be presented to my lord, the reverend father the lord archbishop of Canterbury, or to them who have authority from him, as soon as I conveniently can, and see that they be punished to the utmost of my power."

This abjuration never came into the hands of Lord Cobham, neither was it designed it should, but only to blind the eyes of the ignorant for a time. Lord Cobham having continued in the Tower for some time after his condemnation, made his escape in the night, but 'tis not known how to this day, and fled into Wales, where he continued for about four years.

There was, some time after Lord Cobham's escape, an insurrection made in Ficket-fields, near St. Giles, London, where some of our historians make mention of 20,000 being got together, but how, or from whence, they are wholly silent; they make them to be Lollards and their adherents: to which opinions the Londoners were wholly averse then, and therefore they came not from thence. No body averred that Sir John Oldcastle was there in person, only they insinuated he was expected, and that he was privy to the whole conspiracy: To prove this they have produced a commission of inquiry and an indictment, both in latin, of Lord Cobham, Sir Roger Acton, and others; but so full of absurdities, falsehoods, and inconsistencies, as Fox has evidently made out in his Martyrology, that they must needs be forgeries, and therefore the reader shall not be troubled with them in this place.

It is agreed on all hands, that Lord Cobham was taken in Wales in Powis-land: Sir John Gray of Berwick, in the county of Northumberland, was then Lord Powis in right of Joan his wife, one of the daughters and coheirs of John Charlton, knight, Lord Powis, and afterwards created Earl of Tankerville. This person being very zealous for the religion of the times and the interest of the crown, was no sooner informed of Lord Cobham's being within his lordship, but he raised all the force he could to take him, which the other being a very stout man, and always bred to war, would not tamely suffer him to do; but made a very brave and obstinate resistance. But taken he was at

last, and all the states of the realm being at that time assembled in parliament at London, about raising a subsidy for the king to carry on his wars in France, they no sooner heard that Cobham was taken but they agreed the parliament should not be dissolved before he was examined, and had made answer to the things laid to his charge; and therefore Lord Powis had orders to bring him wounded as he was, in a litter, and well guarded, to London, where he was committed to the Tower, and from thence being brought before the Duke of Bedford, regent of the kingdom, in the king's absence, in parliament; his indictment was read, wherein he was charged with being guilty of the insurrection in St. Giles's in the Fields above mentioned, and other treasons by him committed; and being asked what he had to say in his own justification, and why sentence of death should not pass upon him, Walsingham says, he diverted the discourse, to preach of the mercy of God, and that all mortals, who had a mind to be followers of God, ought to prefer mercy before judgment, and that vengeance pertained only to the Lord, and ought not to be taken by those that worship God, but left to him alone. He used many other words to protract the time, till the chief-justice put the regent in mind, that he should not suffer him to spend the time so much in vain, and give so much trouble to the peers of the realm.

The Duke of Bedford, the regent, therefore required Lord Cobham to answer directly to the things that were laid to his charge; upon which Lord Cobham, after some pause, answered; "To be judged by you, as of man's judgment, is the least thing I value." And going on at that rate, and nothing to the purpose, the chief-justice commanded him again to give them a definite answer, and tell them, if he could, why he should not suffer death; to which he stoutly answered, that he had no judge amongst them, as long as his Sovereign Lord King Richard was alive, and in the kingdom of Scotland.

This being directly denying the authority of the present government, the peers laid hold of it, and without any more questions sentenced him to be drawn and hanged upon a gallows, and to be burnt hanging upon the same, which was accordingly executed on the 14th of

December 1417, in St. Giles in the Fields, in the presence of several great men, and a multitude of people. The same author adds, that the last words Lord Cobham spoke were to Sir Thomas Erpingham, adjuring him, that if he saw him rise again the third day, he would procure his followers to enjoy their opinions unmolested; and that he was hanged, with a chain about his middle, and then burnt, gallows and all.

JEANNE D'ARC,

SURNAMED LA PUCELLE D'ORLEANS, TRIED AND EXECUTED FOR WITCHCRAFT.

THE exploits of this extraordinary female are too well known, to require here any particular notice. Asserting that she was favoured and instructed by the saints of heaven, she animated her dispirited countrymen, and their weak and cowardly king, to resist manfully the English usurpers and their Burgundian allies; she at last fell into the hands of the latter, upon the bridge of Compiegne, from which place she had sallied, sword in hand, at the head of six hundred men at arms. Her capture spread consternation among the French forces, while it excited the most enthusiastic joy through the Burgundian and English ranks. The English flocked in crowds to see this girl of eighteen, whose name alone, during the last year, had made them tremble, and spread terror even to the walls of London. "Never," says Villaret, "did the victories of Crecy, of Poitiers, or of Azincourt, excite such transport: the feeling was carried even to frenzy."

On the 25th May, 1430, news arrived at Paris of the taking of Jeanne d'Arc, when public rejoicings were ordered by the English, *Te Deum* was sung in the metropolitan church, and bonfires were kindled throughout the city.

The joy of the enemies of La Pucelle was in proportion to the terror which her exploits had occasioned. Her name alone had caused the desertion of the soldiery to such an extent, that the Regent Duke of Gloucester found himself compelled to issue a proclamation against those captains and soldiers who were terrified by what he called the enchantments of Jeanne d'Arc.

JOAN OF ARC

Shortly after falling into the hands of her foes, La Pucelle was sold by the bastard of Vendôme to Jean of Luxembourg, Comte de Ligny, general officer of the Duke of Burgundy, to whose sole custody she was in consequence committed. The duke soon after received an application from one brother Martin, who assumed the title of vicar-general of the inquisition of the faith to the kingdom of France, directing him to place the unfortunate girl under his cognizance, as she was strongly suspected of many crimes savouring of heresy. In the first instance, Jean of Luxembourg sent his prisoner, guarded by a numerous escort, to the Castle of Beaulieu.

The saints by whom Jeanne asserted she was favoured, being supplicated by her, returned the answer, that it was requisite she should see the English monarch. This she wished to avoid, and therefore sought means to effect her escape. She succeeded so far as to quit her chamber, by making an opening between two planks. Her intention was to shut up the guards within the tower, and to gain the open country, but the keeper of the castle chanced to cross her way. No sooner was she observed by this man, than he gave the alarm, and she was immediately compelled to re-enter her prison. She supported this misfortune with becoming patience, saying "*that, apparently, it was not the will of God she should that time escape, and that it was decreed she must see the king of the English, as her voices had told her.*"

This incident, or some other motive, determined Jean of Luxembourg to dispatch his prisoner to the Castle of Beaurevoir, where his wife and sister resided, who received the unfortunate girl with every mark of consideration. Those ladies were well aware that the English sought every means of sacrificing La Pucelle, and that one of the grounds of accusation alleged against her was the change of her apparel. In consequence of this, they offered the maid a dress suited to her sex, and invited her to wear the same. Jeanne d'Arc, however, refused, in firm though gentle language, observing: "*I shall not quit the vestments I wear without the permission of God.*"

However desirous the hostesses of La Pucelle appeared to sympathize with her in her captivity, they had it not in their power to alleviate all its rigours. She was not permitted to range at liberty through the Castle

of Beaurevoir. Jeanne remained at this fortress for about four months; and her greatest affliction was the danger to which the inhabitants of Compiegne were exposed, and the inability she felt of affording them the smallest assistance.

A new subject of disquietude soon occurred to embitter the misfortunes attending Jeanne's situation. Pierre Couchon, Bishop of Beauvais, a deadly enemy of the royal party, and of Jeanne d'Arc in particular, laid claim to the maid as being her rightful judge, the capture having been effected in the territory subject to his jurisdiction; and, in order to pay his court to the English, he strenuously insisted upon having her sent before his tribunal. As soon as ever the university of Paris had learned that Jeanne d'Arc had fallen into the hands of the Burgundians, they wrote to the Duke of Burgundy, requesting that the young girl might be cited before an ecclesiastical tribunal, as suspected of magic and sorcery; and this learned body likewise addressed Jean of Luxembourg upon the same subject. Pierre Cauchon, to satiate the enmity he had long entertained against La Pucelle, undertook to be the mediator between Jean of Luxembourg, the Duke of Burgundy, and the King of England. The latter, provided that La Pucelle were placed at his disposal, agreed to pay to Jean of Luxembourg a very large ransom, which was stipulated at ten thousand francs* in the negotiations set on foot for that purpose.

The injunctions of the Bishop of Beauvais, and the weighty offers made by the English government, induced Jean of Luxembourg to give up his prisoner, in spite of the urgent solicitations of his wife, who conjured him, for the sake of honour and humanity, not to surrender up to certain death so interesting a sufferer, who, according to the laws of war, was entitled to honourable consideration.

Each succeeding day, however, unfolded some inauspicious event, and La Pucelle heard with anguish that all the inhabitants of Compiegne, including children of the age of seven years, were to be put to the sword.

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* From Dupré de Saint Maur's *Essay on French Coins*, in quarto, p. 215, it appears that the 10,000 francs so offered were at that period worth about 3150*l.* sterling.

This dreadful news produced a complete frenzy in her mind, and she declared she would rather die than survive the butchery of so many worthy individuals. Then addressing her protecting saints, as if they had been actually present, she exclaimed: "*How is it? will God suffer these good people of Compiegne to perish, who have been so loyal to their lord?*" It was about this time also she learned that she was sold to the English, when she again resolved to hazard every thing to regain her liberty. She, therefore, threw herself from the tower wherein she was confined, to avoid the dreaded moment that was to consign her to her enemies; resolved, in case she escaped, to fly and afford succour to the city of Compiegne. Neither the counsel of St. Catherine, whereby Jeanne said she was assisted, nor the promises made to her by that saint, which affirmed that the inhabitants of Compiegne should receive assistance, and that she herself would not be surrendered until after an interview with the English monarch,—nothing could urge her to relinquish this rash design. She was very much hurt by the fall, and lay, without any signs of life, at the foot of the ramparts. When restored to recollection, she knew not where she was, nor in what manner she had been conveyed to the spot in which she then found herself; so that those who attended were under the necessity of informing her she had thrown herself from the tower. She persisted for three or four days in refusing to partake of food; but comforted at length by the advice of Saint Catherine, she went to confess, and humbly craved pardon of God for what she had done, after which she ate as before, and was in a short time restored to perfect health.

Thus re-established, Jeanne was conducted to Arras, for the purpose, it was supposed, of being delivered over to the English officers, when she was sent off to the Castle of Crotoy. In this same fortress was incarcerated an ecclesiastic of great talent, who was chancellor of the cathedral of Amiens: Jeanne d'Arc regularly attended the mass which he daily performed, and also confessed herself to him very frequently.

The celestial emissaries by whom La Pucelle conceived herself to be visited, never ceased, as she stated, to offer her necessary consolation; and what they had announced

in respect to the assistance which the inhabitants of Compiegne were to receive, actually occurred within the period prescribed. That town was reduced to the very last extremity: environed by bastilles in every direction, the blockade was complete, and famine had already commenced its ravages within the walls. At this critical juncture a band of those brave and patriotic warriors, scattered throughout France, resolved to succour the place, and cause the siege to be raised. This project they accordingly executed, with a boldness and resolution which was crowned by the most signal success. The bastilles of the besiegers being carried by assault, the enemy became disheartened, and precipitately left their encampments, seeking refuge in Normandy and Picardy: wherefore Jean of Luxembourg deemed it expedient to raise the siege immediately, leaving all his artillery in the hands of the French.

The result of the deliverance of Compiegne was the immediate re-occupation of Gournay, Pont Saint Maxence, Longueil, Breteuil, and many other places, by the royal forces, as well in the province of Picardy as in the Isle of France; and a signal victory obtained on the plains of Germigny, by the justly celebrated Poton de Saintrailles, completely established the glory of the French arms.

This success tended only to foment the hatred of the English towards Jeanne d'Arc, whom they regarded as the only cause of their numerous defeats; and, in consequence, all those who were devoted to that cause redoubled their efforts to deliver up this illustrious victim to the fury of her enemies.

The university of Paris forwarded two letters upon the subject, one to the Bishop of Beauvais, and the other to the Kings of France and England. It would be difficult, says Villaret, to conceive a more artful plan than that pursued by the Duke of Bedford and the English ministry, who, by this means, caused themselves to be entreated to perform an act, the perpetration of which they most ardently desired. They were impatient to sacrifice La Pucelle; her death would serve their cause; they were desirous it should be attended with every degree of publicity; and it was therefore their policy to throw the odium of the crime upon the

French nation,—thus thinking to exculpate themselves by covering their cruelty with hypocrisy.

Although disarmed and loaded with irons, Jeanne d'Arc still excited the greatest terror among the English; and to such a pitch did this prevail, that the British government published an act, stipulating that all warriors who should abandon their colours through dread of La Pucelle were to be tried by an English council.

The cause of the British in every direction was on the decline. At length the inhabitants of Sens drove out their foreign governors, and tendered their submission to Charles VII. Terrified by so many reverses, the English from that period believed that their only chance of safety depended on the death of La Pucelle; and orders were issued that the trial of this unfortunate girl should commence as soon as possible, under the miserable hope of thus restoring courage to the British forces, of defaming Charles, and inspiring his partisans with terror.

Jeanne was removed from Crotoy to Rouen, and imprisoned in the great tower of the castle, which still exists, and is named, after her, Tour de La Pucelle. Here she was treated with a rigour that amounted to cruelty. Some authors affirm, that for a certain period she was shut up in an iron cage: it is certain that the depositions of the smith who made the cage were taken; he affirms that it was weighed and delivered by himself, in presence of a witness. It has also been remarked, that at the commencement of Jeanne's captivity, the inhabitants of Rouen were permitted to see her in the prison; but that she was soon after kept in complete seclusion, and thus remained until her trial took place. One incontrovertible fact is, that the feet of the wretched captive were confined in iron-fetters; and that a chain, encircling her body, was attached by means of a lock to an immense bar of wood.

Jeanne was uniformly guarded by five Englishmen, three of whom passed the night in her dungeon, the other two keeping watch at the door: these men, purposely selected from among the most degraded of the soldiery, insulted and shamefully ill-used the prisoner, frequently extending their cruelty so far as to wake her during the night, in order to torment her by falsely stating

that the hour was arrived when she was to be led forth to suffer the agonies of death. This cruel treatment was aggravated by brutal attempts to violate her chastity.

At length, on the 3d of January, 1431, the King of England issued letters-patent, authorizing the process to be instituted against Jeanne d'Arc, wherein it was expressly stipulated that the prisoner should still be retained, even in case she was not found guilty of the acts for which she was put upon her trial. By this means, says M. Laverdy, the King of England only lent her to the ecclesiastical judges, in order that they might decide whether or not she was to suffer the punishment of death.

On the 9th of January a consultation was held at the residence of the Bishop of Beauvais, respecting the affairs of Jeanne d'Arc, at which were present, Jean le Maître, deputy for the diocese of Rouen, the grand inquisitor, and the Bishop of Beauvais, when it was argued whether the approaching trial should be subject to all the pretended privileges of the inquisition? Jean le Maître several times refused to become a participator in this transaction; but he was ultimately compelled to yield, notwithstanding the repugnance he felt; being threatened, in case he persisted in his refusal, that he should himself be put to death. During this conference the judges were named who were to constitute the tribunal, to whom letters were accordingly forwarded by the Bishop of Beauvais. In these documents it was stated that the accused was suspected of sorcery, enchantments, invoking of demons or malign spirits, and many other acts forbidden by the catholic faith.

On the 13th of January the Bishop of Beauvais convened another assembly. In the verbal process of this sitting, it is stated that he was to communicate to the doctors facts that had been ascertained in that part of the country where Jeanne was born, and memoirs recording accounts which were there current among the people respecting her. A citizen of Rouen, named Moreau, had been despatched to Domremy to acquire this information; but, instead of finding any charges prejudicial to the accused, he, on the contrary, obtained the most honourable testimonies in regard to the character both of her family and herself, until the period

when she set forward to present herself to Charles VII. at Chinon. These testimonies, however, were suppressed at the trial, as it appears that every verbal process of the conferences that took place was committed to writing under the immediate superintendance of the Bishop of Beauvais. He could more easily insert every thing he required, as these pretended verbal processes were neither read in presence of the judges appointed, nor presented to them for signature: besides which, the numerous contradictions they contain are sufficient evidence of the falsehood of such statements. As it was necessary, at any rate, to sacrifice Jeanne d'Arc, in order to satisfy the English, every means was resorted to for the purpose of accomplishing the end desired. One ecclesiastic, named Loiseleur, a canon of Rouen, counsellor of the holy office, and the worthy coadjutor of the Bishop of Beauvais, willingly resorted to the most perfidious manœuvres in order to ruin the prisoner. This infamous being, whose name is stigmatized in history, pretended that he was a native of the same country as La Pucelle, by which means he obtained access to her. The room wherein Jeanne was confined was contiguous to another in which, by means of a hole, every thing could be overheard that the prisoner uttered in her most confidential moments. The Earl of Warwick, the cruel Bishop of Beauvais, and the perfidious Loiseleur, had agreed upon the plan which the latter was to adopt. They then ordered the two notaries employed during the process to repair to the chamber in question, in order to hear, unseen, all that transpired within the dungeon. The individuals so stationed soon recognized the voice of Loiseleur, who entered into conversation, detailing to Jeanne d'Arc false accounts respecting the affairs of Charles VII. He then proceeded to speak concerning the revelations which she affirmed had been, and continued to be, made to her; and to put several insidious questions to Jeanne respecting them. La Pucelle, delighted, after such a lapse of time, to meet a man so apparently favourable to the royal cause, and a companion in misfortune, (for he represented himself as a prisoner of war,) betrayed herself in her replies, with the implicit confidence of a frank and generous mind,

as incapable of suspecting as of contriving such consummate treachery. The Earl of Warwick and the Bishop of Beauvais, who remained with the notaries, directed them to write down all the replies uttered by Jeanne; but the latter, aware of the trap laid to compromise their probity, had courage enough to refuse compliance, stating, that they would not be guilty of conduct so unjustifiable; but that if Jeanne uttered the same things before the tribunal, they would in that case register them.

It was thus found requisite to renounce these disgraceful means of criminating La Pucelle; but the second object proposed, namely, that of obtaining ground for interrogatories, was fully accomplished. The traitor Loiseleur, from the period in question, always enjoyed the confidence of the unfortunate girl; he acquainted her that he was a priest, and was appointed her confessor. This execrable monster then abused the confidence thus obtained under the mask of religion, not only by detailing to the Bishop of Beauvais all that the prisoner confided to him, but by suggesting to her beforehand dangerous replies to those questions he thought fit to propose.

Estivet, the proctor, was desirous of acting a part quite as infamous as that of Loiseleur. He also introduced himself into the prison to deceive Jean d'Arc, but it appears that he was not fortunate enough to acquire her confidence. Nothing could equal the baseness of this dastardly wretch, who had slavishly devoted himself to the English cause, except the gross and brutal language he adopted. During the whole trial of La Pucelle, Estivet unceasingly calumniated the notaries, who were anxious to follow the regular course prescribed by justice and probity; and he loaded the unfortunate girl with reproaches, disgusting abuse, and continued menaces.

All the documents required for the direction of the interrogatories were at length procured, and there only remained one difficulty to surmount prior to the opening of the process, which was the non-acquiescence of the vice-inquisitor, who pertinaciously refused to take any part in the business. Further remonstrances were then made to him, but he refused to interfere, alleging, that his jurisdiction extended only to the diocese of Rouen, and not to that of Beauvais. At length, however, the

vice-inquisitor consented that the trial should be entered upon, and the opening of the process was fixed for the 21st of February. Jean le Maître, on this occasion, officiated as assessor; and the Bishop of Beauvais solicited the inquisitor of France to attend, or to delegate some person in his place.

The tribunal instituted, not for the judgment, but for the condemnation of the accused, (for her death had been predetermined,) was thus constituted. It is true, some judicial forms were resorted to; but this was only for the purpose of tarnishing her reputation, and publicly vilifying Charles VII. for accepting her assistance. It was obvious that she had been bought by the English; and it is now incontrovertibly shown that the judges were paid to condemn her. This last iniquity is proved from some curious documents preserved in the priory of Saint Martin des Champs, authentic copies of which are to be found in the Public Library at Orleans.* These proofs are handed down in letters-patent and ordinances of Henry VI., styling himself King of France and England, relating to payments made to the doctors who assisted in the process, (whose names agree with those transmitted to us by history,) and likewise containing the receipts for the sums that were paid to them.

The deliberative voice was vested in only two judges, Pierre Cauchon, Bishop of Beauvais, a licentiate of civil law, installed in his bishopric in 1420 by the Burgundian faction, one of the English king's privy-counsellors in France; and Jean le Maître, of the fraternity of preachers, a bachelor in theology, vicar of Jacques Graverand, and bearing the title of inquisitor-general of the faith in France.

Jean de la Fontaine, a licentiate of the canon law, had the charge of counsellor and examining commissary.

Jean Joseph, or Gillaume d'Estivet, canon of Beauvais and Bayeux, was constituted proctor.

The notaries were, Guillaume Manchon, a priest, public notary, of the archiepiscopal court of Rouen; Guillaume Colles or Coles, a priest, surnamed Bos Guil-

* See the work entitled, *Manuscrits de la Bibliothèque d'Orléans*, by A. Septier, Orleans, 1820.

laume or Boys Guillaume, also a public notary of the same court; and Nicolas Vasquel, filling a similar office.

Jean Massieu, priest, who, in 1455, was one of the curates of the parochial church of Saint Candide at Rouen, was nominated the ecclesiastical beadle or verger. His duties consisted in issuing writs and summonses, conducting Jeanne to the tribunal, escorting her back to prison, and giving notices to those assessors whose presence was required at the sittings.

Besides the judges assessors, or counsellors, there were many engaged who had merely a consulting voice; some of whom assisted at the first sittings, and not at the subsequent ones, and others attended the concluding assemblies, who had not presented themselves at the commencement of the process. It appears that this portion of the tribunal consisted of all the doctors who could be compelled by force to assist in this most iniquitous proceeding. The following are the names of the most conspicuous, either on account of their reputation, or of the parts which they performed during the process:—Gilles, abbot of Fecamp; Nicolas de Vendères; Nicolas Loiseleur; Nicolas Midy; Pierre Morice; Thomas de Courcelles; Jean de Castillion; Jean Fabry; Guillaume Erard; Isambert de la Pierre; Jean Beaupère; Jacques de Touraine; Martin Ladvenu; Jean Tiphaine; the Abbé of Saint Ouen; Jean Lohier; and Cérard Feuillet.

On the day appointed for the commencement of the trial, the Bishop of Beauvais, accompanied by forty counsellors or assessors, repaired by eight o'clock in the morning to the royal chapel of the castle at Rouen, where Jeanne was ordered to attend. Thus even before the altar was innocence betrayed, covered with reproach, and *legally* assassinated, in the name and in honour of the Sovereign Judge of all mankind!

The Bishop of Beauvais opened the sitting, by causing the royal letters-patent to be read to the tribunal, in virtue of which La Pucelle was to be arraigned before him and the doctors whose opinions had been taken. The proctor Estivet then set forward, that Jeanne was cited to appear for the purpose of answering interroga-

tories of right, to which it was intended she should be subjected. These preliminary steps taken, the verger was sent to bring forward the prosecuted prisoner. Jeanne d'Arc, as we have already hinted, had frequently demanded to have judges named on the French side; but as soon as she appeared before the tribunal, every precaution was taken not to mention that request. In order to divert the attention of the assisting doctors from the just demand preferred by the accused, the Bishop of Beauvais, on the arrival of the prisoner, began a long harangue upon the subject of the process instituted against her.

At the commencement of the interrogatory, when Jeanne was ordered to make known her Christian and surname, and also to state if she was called La Pucelle, and whether she was in reality a maiden, her answer was: "*Je puis bien dire que telle je suis, et si vous ne me croyez, faites moi visiter par des femmes :* I can with truth avouch that such I am, and if you do not believe me, let me be visited by women." She then offered to submit to an examination by females who should enjoy the reputation of strict morality.—These proceedings must necessarily have tended either to disprove or to substantiate the charge of magic alleged against her: for, according to the opinions entertained at that period, as we have previously mentioned, the state of virginity was supposed to inspire the devil with a respectful dread, quite incompatible with magic incantations. Thus, should the proof have been unfavourable to Jeanne, the English would have reaped the twofold advantage of substantiating the charge of sorcery and of dishonouring their enemy.

With these considerations the examination of Jeanne was decided upon, the Duchess of Bedford being deputed to superintend the necessary arrangements. The name of one of the women employed upon this occasion was Anne Baron, who was acquainted with Jean Massieu, the beadle or verger appointed to officiate during the process. The termination of the inquiry proved in every respect honourable to the prisoner, although no observation is made upon the subject in the rough draughts of the proceedings now extant: so carefully

did the worthless Bishop of Beauvais conceal from the eyes of the world all that appeared in any way favourable to the reputation of Jeanne d'Arc.

The first sitting of the tribunal was very tumultuous, and no detail is given in the verbal process of what transpired upon that occasion. All the assessors were present; and Jeanne was interrupted at every word that escaped her, without a moment's time being allowed her for explanation. Besides the record-keepers employed during the trial, there were two or three secretaries of the King of England, who committed to paper whatsoever they thought proper. Six assessors, Beaupère, Midy, Touraine, Morice, Courcelles, and Feuillet, were specially charged to propose questions to the accused. While Jeanne was giving answers to one, another interrogated her, so that she was compelled on several occasions to exclaim, "*Beaux freres, faites l'un apres l'autre!*—Good brothers, proceed one after another!" By this means she was so hurried, that her replies, as may naturally be expected, were not always correct.

It was probably owing to the confusion which continually occurred that the tribunal was transferred to another chamber, called *Salle des Préparatoires*. It is also very likely that the judges were anxious to induce the notaries to record the replies of the accused in terms consonant with the wishes of her enemies; but they were little disposed to lend themselves to so culpable and unworthy a proceeding. It was also imagined that they might be brought over to this, by causing the replies of Jeanne to be written by confidential persons, whose mode of recording the same might be compared with that of the notaries, in order to accuse them of incorrectness, and therefore threaten them with the indignation of the tribunal. It appears that Loiseleur was the individual chosen to superintend these secretaries, as it was conceived that his abilities were fully adequate to the task of misinterpreting the most innocent expressions; but it was most essential that he should not be seen by La Pucelle, with whom he had a different card to play; and perhaps it was not possible that he could have remained concealed, had the sittings continued to be held in the chapel of the castle. The desired plan was, how-

ever, completely effected in the *Salle des Préparatoires*, where the writing-deck of the secretaries was placed in the deep recess of a window, and a serge curtain suspended before it, by which means Loiseleur remained unobserved by the assembly. The interrogatories were arranged by the Bishop of Beauvais himself; and the questions put by one of the assessors, with the intention of eliciting replies that might tend to inculpate the accused.

Nor was the treatment of Jeanne out of court less calculated to excite the indignation of every feeling mind. Such was the barbarity shown to this persecuted creature, that the performance of her religious duties was denied her; a privation which became the more painful, as in her wretched situation she doubly stood in need of the consolations of religion. Notwithstanding this prohibition, the kindness Jeanne experienced from the verger, Jean Massieu, emboldened her to inquire of him, whether, upon her road from the prison to the tribunal, some church or holy spot did not exist in which the sacred host was exhibited? Massieu, in reply, pointed out the royal chapel, situated in the great court-yard, which they had to cross in their way to the *Salle des Préparatoires*. La Pucelle then entreated that Massieu would allow her to approach the edifice, for the purpose of kneeling down and offering up her prayers. The verger, Massieu, was softened by her tears, and complied with her wishes; when, prostrating herself to the ground, with clasped and upraised hands, she breathed to the Almighty the most humble and fervent supplications.

Jean Massieu, upon one occasion, conducting La Pucelle from the tribunal to her prison, was met by an English priest, who, notwithstanding the presence of the accused, expressed himself to the following effect "What thinkest thou of her answers? will she be burnt?"—"To the present time," answered Massieu, "I have observed nothing but justice and honour in her; and she appears to me to be a very good woman; but I know not how the matter will terminate—God alone can speak to that." This conversation being made known to the Earl of War-

wick, involved Massieu in very great danger. He was summoned before the Bishop of Beauvais, who reproached him for having so expressed himself; and concluded by stating, that he had better beware how he misconstrued circumstances, or that he should be taught *to drink once too much for his opinions.* The Bishop of Beauvais then issued express orders that the accused, in future, should not be permitted to go near the chapel.

Before we enter upon a concise detail of the proceedings that occurred during each sitting, it may be well to state that Jeanne d'Arc made many fruitless applications to be transferred to the prison of the archbishopric, she being subjected to ecclesiastical authority. It was in vain that she demanded to be judged by others than her avowed enemies; or that, at any rate, an equal number of unprejudiced ecclesiastics should be the arbitrators of her fate. Every thing was denied her, not excepting her appeal to the pope—a request that never had before been refused, when made by the greatest criminals. In such a case, the king's proctor preferred his appeal to the pope, as a matter of right, even in case the accused had neglected to have recourse to such a proceeding.

The process commenced on Wednesday, the 21st of February, 1431. The first step taken by the accused was to demand that as many ecclesiastics should be summoned on the part of Charles VII. as on that of the King of England, and that she might be released from the irons with which her ancles were loaded. At the inexperienced age of nineteen years, it may be reasonably supposed she would be in need of some friendly advisers; but such assistance, when requested, was refused. An oath was exacted from Jeanne that she should declare the truth; which she took without any apparent reluctance, only demanding that no inquiry should be made respecting her secret communications with the king, which, she stated, she had never revealed to any one, nor would make them known, even though death should be inflicted for her silence. On this point Jeanne continued inflexible, notwithstanding the repeated interrogatories proposed to her respecting it. The Bishop of

Beauvais, in the course of this sitting, having commanded her not to make any attempt to escape from prison, she answered with firmness, that she could not see the justice of such a command, and should not scruple to disobey it if a favourable opportunity occurred.

On the ensuing day, the 22d of February, the second sitting was convened, when Jeanne was interrogated as to the manner in which she had resolved to proceed on joining Charles at Chinon; and it was on this occasion that she made known the precise words used by the Lord de Baudricourt—"*Va, et advienne tout ce qui pourra,*" at the period of her departure from Vaucouleurs.

Some letters dictated by Jeanne, and forwarded to the English when she first entered Orleans, were also laid before her; and such was the strength of her memory, that although ten months had transpired since they were penned, she discovered, during their perusal, that several alterations had been insidiously made in the wording of those instruments. It was then demanded of the accused whether she had seen an angel over the head of the king? to which she answered, "*Pardonnez moi, et passez outre,*—Excuse me, proceed to other matters." The tribunal next touched upon the most essential points which they wished to ascertain—certain apparations or revelations which Charles VII. had seen or heard; but Jeanne would say nothing on that subject, advising them to send to her king if they were desirous of acquiring such information. She afterwards repeated this resolution of secrecy in the course of the fifth sitting.

As the assembly were desirous of expediting the process as much as possible, a third sitting took place on Saturday, the 24th of February, during which she cautioned the Bishop of Beauvais to take heed how he styled himself her judge: but he was not susceptible of any scruples of conscience from such remonstrances. It was in vain that further attempts were then made to draw from La Pucelle certain statements concerning the king; she persisted in her silence, nor would she submit to be put upon her oath, but invariably desired them to pass on to other matters. Jeanne further stated, that there were

certain points upon which she was not bound to reply; and, when doubtful questions were proposed, she required time to frame her answers. Far from taking to herself any share of praise for the actions she had performed, she modestly attributed all her successes to the interposition of the Almighty.

Being asked by the judges whether she thought herself blessed with the grace of God, she thus expressed herself:—"*Si je n'y suis, Dieu veuille m'y mettre; et s'y j'y suis, Dieu veuille m'y tenir; car je m'estimerais la plus malheureuse des femmes; et j'aimerais mieux mourir que de me savoir hors de la grace et de l'amour de Dieu.* If I am not, may God effect it; and if I am, may God retain me in it; for I should esteem myself the most unfortunate of women: I would rather die than know that I were without the pale of the grace and love of God." It appears that one of the assessors conceived this question to be of such a difficult nature to resolve, that he decidedly expressed his opinion that the prisoner was not bound to answer it. Even the severe critic Luchet allows that the above reply of Jeanne d'Arc was sublime.

On being asked why she had borne her banner foremost at the coronation of Charles VII. at Rheims, in preference to those of the captains attending, she answered, "*Il est juste que qui a eu part au travail en ait à l'honneur*—It is but just that such as contributed to the work should share the honour." An answer worthy an everlasting record, as Voltaire expresses himself.

When it was demanded whether she had given the soldiers to understand that her banner was the signal of prosperity? she exclaimed,—"*Non; je leur disois pour toute assurance, Entrez hardiment au milieu des Anglois! Et j'y entrois moi-meme.* No; I said to them, for all assurance, Enter boldly in the midst of the English! And I entered there myself." Can any one deny the sublimity of such an ejaculation?

On Tuesday, the 27th of February, the tribunal again assembled, when the prisoner, as upon every former occasion, evinced in her answers a solidity of judgment and good sense far superior to her years and condi-

tion in life. When interrogated respecting particular occurrences, on which she had formerly been questioned by the officers of Charles VII., she referred her judges to the verbal process, as taken down upon that occasion, at Poitiers.

The fifth sitting was held on Thursday, the 1st of March; at which were produced the answers sent by La Pucelle to the Comte d'Armagnac, then a fugitive in Arragon, respecting the anti-pope, Pierre de Lune. On perusing these documents, Jeanne discovered that the same measures had been resorted to with those as with her letters to the English; many of her expressions being altered so as falsely to impeach her with heresy. La Pucelle uniformly acknowledged the authority of the pope then resident at Rome. In many of her replies, however, she seemed to express some raillery towards her judges.

It is stated, that when pressed by innumerable interrogatories which arose from the prophetic threatenings contained in those letters, Jeanne, on a sudden, made the following asseverations, which were delivered in a very lofty tone, and accompanied by a solemnity of gesture that rivetted the attention of her hearers: "*Avant qu'il soit sept ans, les Anglais abandonneront un plus grand gage qu'ils n'ont fait devant Orléans, et perdront tout en France. Ils éprouveront la plus grande perte qu'ils aient jamais faite en France, et ce sera par une grande victoire que Dieu enverra aux Français:* Before the laspe of seven years, the English will abandon a greater pledge than they did before Orleans, and will lose every thing in France. They will experience the greatest loss they have ever yet sustained in France, and this will be in consequence of a signal victory that will be accorded to the French by the Almighty."

All these forebodings were strictly fulfilled. Paris was retaken by the French on the 13th of April, 1436, five years subsequent to Jeanne's prediction; in 1450, the English lost the battle of Formigny, the result of which was the reconquest of Normandy; and, in 1453, the battle of Castillon was gained by the French, when the truly valiant Lord Talbot perished, and the submission of Guienne to France immediately followed.

The judges inquired of the accused whether the saints who appeared to her had hair upon their heads? To which she could not refrain from making this ludicrous reply: "*Cela est bon à savoir*—It is very essential to ascertain that." Shortly after they asked whether Saint Margaret spoke English? "*Comment parleroit-elle Anglais, vu qu'elle n'est pas du parti Anglais?*—How should she speak English, seeing she is not on their side?" was the prisoner's reply, which was a piece of wholesome instruction for the interrogators. They then desired to know whether Saint Michael presented himself before her in a state of nudity: to which question Jeanne answered, "*Pensez-vous que Dieu n'ait pas de quoi le vêtir?* Do you think that the Almighty has not wherewithal to clothe him?"*

On Saturday, the 3d of March, the sixth sitting was convened, when the most captious and equivocal interrogatories were put to the accused; from which she extricated herself with as much prudence as firmness of character. She was exhorted to resume the female dress, which she declined. At this sitting the most important question was that respecting a child which she had restored to life at Lagny† before the image of the Holy Virgin;—In reply to this, Jeanne stated, with considerable vehemence, that the event in question was

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* It being demanded of Jeanne whether Saint Michael and Saint Gabriel had the faces of men, she made answer, "*Je les ai vus en mes yeux*—I have seen them with my own eyes."

Whether she had beheld or knew from revelation if she should escape?—"That forms no part of the process."

If the voices had said any thing to her in general terms?—"Yes, most certainly, they told me I should be delivered, but I neither know the day nor the hour; and that I was also to feast well."

If she had conceived she had done wrong in assuming the habit of a man?—"That she did better in obeying her Sovereign, [meaning the Almighty,] than men."—*Luchet*, pp. 95, 96.

† The critic Luchet says, "We must regard as idle tales both the pretended resurrection of the child at Lagny, and also the poisoned ragout of carp, which the Bishop of Beauvais is supposed to have sent to Jeanne d'Arc. It is not stated that the infant was dead, but merely *en détresse et maladif*—in distress and sick. The crime attributed to the bishop has no other foundation of credibility than that Jeanne happened to be troubled with indigestion after partaking of the ragout."

wholly ascribable to divine mercy, in answer to the prayers offered up in its behalf.

After the sixth interrogatory, the Bishop of Beauvais gave notice that he should not in future convoke all the assessors, but follow up the proceedings in presence only of a small number, chosen from among them, who should select from the avowals of the accused those that were essential for her judgment. The crafty prelate was well aware, that by adopting this plan he should obtain a council subservient to his wishes, and thus prevent any courageous individual from suggesting to the prisoner hints which might be serviceable for her defence. This method also enabled him ultimately, as M. Laverdy very justly observes, to lead those into error who discontinued their attendance at the sittings: an opinion which the sequel will abundantly confirm.

All these interrogatories took place in Jeanne's own chamber. During the seventh, which occurred on Saturday, the 10th of March, it was demanded of the prisoner, whether she possessed any property besides the horses which the king had presented to her? To which she answered, "*Je ne demandais rien à mon roi: que fort bonnes armées et bons chevaux, et de l'argent à payer les gens de mon hostel:* I required nothing for myself of my king but very good arms, good horses, and money to pay the people of my hotel." Concerning her capture La Pucelle said, that the event took place on the other side of the bridge of Compiegne; whereby she inferred that she could not be amenable to the Bishop of Beauvais. This, however, produced no effect on that ecclesiastic, from the moment that he had resolved to act as the judge of La Pucelle. The prisoner was interrogated at considerable length respecting a sign she had given the king in confirmation of her holy mission; but the more anxious her judges seemed to ascertain that fact, the more resolutely she persisted in keeping the secret inviolate.

The eighth and ninth interrogatories took place on the morning and evening of Monday, the 12th of March. In the course of the former, Jeanne was examined respecting a young man who was desirous of marrying her at Neufchateau in Lorraine. On this subject very unreasonable questions were put to the accused, and it

was stated that she had summoned the youth to compel him to espouse her; but the contrary proved to be the fact, as the young man was rejected by Jeanne, after he had summoned her before the magistrate of Toul. Besides this, La Pucelle stated, that she had consecrated her virginity to Heaven, so long as it should please the Lord to preserve it to her.

It was not until the ninth sitting that Jean Le Maïtre, who had previously assisted at the process only in quality of an assessor, produced the credentials of his commission as inquisitor-general of France, and in that character officiated as a judge upon the trial. He then superintended the proceedings, and, on the same day, gave the commission of proctor, and that of the issuer of mandates, to those who had been previously chosen by the Bishop of Beauvais. He also nominated persons to guard the prisoner in the name of the holy inquisition.

The eleventh and twelfth sittings took place on the same day, being Wednesday, the 14th of March. Upon this occasion Jeanne spoke very boldly concerning the inhabitants of Compiegne, and deplored the sufferings they had endured on account of their attachment to their legitimate sovereign. She, however, predicted at the same time, that they would receive succour before the festival of Saint Martin of that winter, which actually occurred on the 1st of November: the English and the Burgundians were then beaten, and compelled to abandon the siege of the city. Had the judges been actuated by a principle of equity, they would have deferred the trial until the arrival of the period mentioned, in order to ascertain the truth of this prediction. In that case, had it proved false, they might justly have arraigned her for an attempt to dive into futurity; whereas, if the contrary had taken place, it would have served as a proof in her justification. But the malice of the Bishop of Beauvais, with that of the English, prevented the adoption of any considerate, sober measures, from which no possible evil could have resulted, as Jeanne d'Arc must still have remained at their disposal.

At this interrogatory a circumstance occurred, which could not fail to impress any mind that was susceptible

of natural feeling. Jeanne, addressing herself in an emphatic manner to the Bishop of Beauvais, spoke in the following terms:—

"*You state that you are my judge. I am not aware that you are such; but I charge you take heed and do not judge me wrongfully, as in such case you will place your soul in great jeopardy; and I finally forewarn you, that should it please Almighty God to punish you, I have only fulfilled my duty in thus giving you timely notice!*"

Who can repress astonishment at such a remonstrance from a girl of so humble an education? The unfortunate prisoner even went so far as to state, that she felt a presentiment of her approaching doom; but, at the same time, expressed her confidence in the succour and protection of the Deity.

Being asked whether her supernatural voices had promised her deliverance? she replied, that they had held out assurances of succour; but she did not know whether the promise implied that she should obtain immediate deliverance, or that during her trial some troubles might occur that would effect that desirable end.

The words pronounced by her celestial counsellors, she stated, were: "*Prend tout en grê; ne te chaille de ton martyre; tu t'en viendras enfin au royaume de paradis:* Take all for the best; be not grieved for thy martyrdom; thou shalt arrive at last in the kingdom of paradise."—"The many privations and cruelties to which I have been subjected in prison," added Jeanne, "have been equal to martyrdom. Whether I am doomed to bear still greater, I know not, but leave every thing to the will of the Lord."

Among the insidious interrogatories continually put to the unfortunate prisoner, was the following: "Is it a deadly sin to keep a man prisoner who might be lawfully ransomed?" Her answer was, that she had never done so. Upon which the judges reproached her with the death of a certain officer by name Franquet of Arras. La Pucelle, in reply, exculpated herself, and it was also upon the inquiry being made whether she had distributed money to those who captured that officer, that Jeanne remarked she was neither a money-

changer nor the treasurer of France, to be so empowered to distribute money.

No artifice was left untried in order to entrap the accused; every endeavour was made to extort answers from her that might tend to depreciate her character. After having explained to her the distinction between the church triumphant and the church militant, the latter of which was said to consist of the pope, cardinals, prelates of the church, and the clergy in general, it was demanded of her whether she would submit to the church militant? Had she answered in the affirmative, she would have escaped from her blood-thirsty judges; and, it can scarcely be conceived how such a question should have been proposed, unless it were that the perfidious Loiseleur, who was admitted to her confidence, had persuaded her not to submit herself to the church, because that tribunal would then assume a judicial authority over her. Jeanne, however, unfortunately evaded the questions, stating, that she was the servant of the church triumphant, to which she submitted every thing she had done and was still to execute; and that in respect to resigning herself to the church militant, she for the present should deliver no answer.

Among various other questions put to the accused, was the following: "Whether or not God hated the English?" To which she made the following reply:— "*De l'amour ou haine que Dieu a aux Anglais, je n'en sais rien; mais je sais bien qu'ils seront tous boutés hors de France, excepté ceux qui y mourront, et que Dieu enverra victoire aux Français contre les Anglais.* Respecting the love or the hatred God may entertain towards the English, I know nothing; but I know for a certainty that they will all be driven out of France, excepting those who die there, and that God will send victory to the French against the English."

In the twelfth sitting the prisoner was very gravely examined respecting her banner, which the tribunal sought to convert into a plea for accusing her of sorcery. On this occasion the following examination took place: —"Did you infuse the power of victory into the standard, or the standard into you?" "*De la victoire de l'étandard ou de moi, c'était tout à notre Seigneur*— Whether victory was by the means of the standard or

myself, the whole was the work of our Lord."—"Was the hope of victory founded in your banner or yourself?" "*Elle était fondée en Dieu, et non ailleurs*—It was founded in God, and in nothing else."—"Had another person carried it, would it have been attended with similar good fortune?" "*Je n'en sais rien ; je m'en rapporte à notre Seigneur*—I know nothing about that; I leave every thing to our Lord." It was enquired of her whether, during her childhood, she had cherished the wish of being injurious to the Burgundians? "*J'avais grande volonté que mon roi eût son royaume*—I had a great desire that my king should repossess his kingdom." "Do you think that your king was justified in killing or causing the Duke of Burgundy to be assassinated? "*Ce fut grand dommage pour le royaume de France: mais quelque chose qu'il y eût entre eux, Dieu m'a envoyée au secours du roi de France*—It was a great misfortune for the kingdom of France: but whatsoever may have existed between them, God sent me to the assistance of the king of France."

During the thirteenth interrogatory, which took place on the morning of the 15th of March, the judges wishing to pronounce the accused an heretic, she was exhorted to commit herself to the church; but, being very deficient in education, she did not know how to reason concerning points of doctrine, and therefore stated, that if any thing had been uttered by her in opposition to the faith, she only wished to be made acquainted with the same, as it was far from her desire to uphold such tenets.

Some allusions were then made to her several attempts to escape from prison, to which she answered, with a degree of prudence which would hardly have been expected from her, that if the will of God was favourable to it, she would eagerly embrace the opportunity, but at the same time without having resource to violence. Jeanne was uniformly zealous in her religious duties, and never ceased to entreat that she might be permitted to attend the celebration of mass.

The fourteenth sitting was held on the morning of Saturday, the 17th of March, 1431. Upon this occasion the questions proposed to La Pucelle were disorderly and of a malicious tendency; sometimes relating

to angels and to her male attire; at others, to faries, Saint Catherine and Margaret, and the love and hatred that God might entertain towards the English or the French. To all these complicated questionings Jeanne answered with equal prudence and simplicity. She was frequently interrogated by several persons at the same time, who sought to break the thread of her replies; and as they were monks, who most earnestly endeavoured to embarrass her on these occasions, she could not refrain from exclaiming at times, "*Beaux frères, faites l'un après l'autre*—Good brothers, do pray speak one after the other." Two things, however, she uniformly maintained, which must have been exceedingly mortifying to her judges: First, that the English would all be expelled from the kingdom; and, secondly, that she would rather suffer death than revoke a single act she had done by order of the Almighty in the service of the king of France: adding, that the only recompence she expected was the salvation of her soul. Whenever there appeared any room for doubt, or when an immediate reply might be productive of inconvenience, the prisoner regularly demanded a little delay until she could frame her answer with greater propriety.

The tribunal held its fifteenth meeting in the evening of the same day, upon which occasion the subject of Jeanne's male apparel was resumed, when she assigned the following reasons for adopting and retaining it: First, that she had received an order from Heaven to assume it; secondly, that such a dress was better calculated than that of a woman to secure her from the insults of the soldiery; and, thirdly, that her chastity was thereby more surely preserved.

These reasons were well supported by previous facts; for Jeanne had been assailed, during her imprisonment, by the violence of an English nobleman, (as she solemnly declared to brother Martin L'Advenu, who was present until her last moments,) as well as by the brutal guards who attended her. Of these evils Jeanne had complained to the Earl of Warwick and the Bishop of Beauvais; but finding that her representations were unavailing, she had been compelled, for the sake of self preservation, to resume and retain the habiliments of a man, in which she constantly slept. The boldness of Jeanne's answers

was constructed into contumacy by her judges, who consequently pronounced her a relapse.

These brutal proceedings, as we have already stated, continued until the Duchess of Bedford, sister of the Duke of Burgundy, after ascertaining the virgin state of Jeanne d'Arc, prevented their repetition; and during the whole of the trial her purity was never once called in question.* This, however, did not prevent her being questioned, whether, if she should lose her virginity, she would be deprived of her prosperity and the visits of her supernatural agents? To this La Pucelle made answer, that no revelation had been made to her on that head. Doubtless this question was suggested by the English, as it seems to be in unison with the repeated insults offered to her whilst in confinement. To this statement we may subjoin, that some of the interrogators put many frivolous and indecent questions to the prisoner, respecting virginity and the married state, as also concerning a cross ✠ which she had caused to be inserted in her letters before and after the words, "*Jesus Maria.*" In reply to the latter query, La Pucelle said, she had been told by the ecclesiastics that it was proper so to do; and to the other queries her answers were invariably prudent and reserved.

In conclusion, the accused desired that she might be allowed to appeal to the pope's decision, but such a proposition was far from acceptable to the Bishop of Beauvais. As Jeanne d'Arc, on several occasions, repeated this demand, attempts were made to tamper with her, in order to prevent her from appealing to the apostolic chair. One of those vile hypocrites who at that period concealed their vices under the garb of the ministers of religion, and of whom there were but too many, was employed for this purpose. The individual in question was Loiseleur, who used every effort to induce Jeanne to forego this appeal; but her firmness resisted all his artifice and sophistry.

On the 18th of March the Bishop of Beauvais, in

* Carte (in Lenglet, vol. iii. p. 139), who is silent respecting the atrocious iniquity of the judgment, confesses, "That the chastity of Jeanne was never called in question, even by her greatest enemies, and that her courage could not be sufficiently extolled."

conjunction with the grand inquisitor, assembled twelve of the assessors at his residence, when it was agreed to examine the reports of the doctors who had been charged to give their opinions on the leading confessions of the accused, and consult what the works on the canon law might contain relative to the points in question.

Twenty-two assessors assembled on the 19th. It was then agreed, that all the previous proceedings should be collected and condensed into a less number of articles; previously to which, they resolved that the interrogatories should be legally verified. For this purpose they repaired to the chamber of Jeanne d'Arc, and read in her presence the whole of the proceedings; whereto she only made some trifling additions, and did not raise an objection to any one article.

The festival of Easter was now near at hand, and La Pucelle applied for permission to attend the celebration of mass on the Sunday. The judges seemed willing to accede to this request, provided she would agree to resume the dress of her sex. To this Jeanne replied, that she had not received the advice of her council respecting such a measure, and that she could not therefore adopt the female habit, which should be immediately done if it solely depended upon herself. The interrogatories being concluded, the ordinary process was then commenced against La Pucelle.

On the 26th of March, it was resolved that the accused should be interrogated on the articles proposed by the proctor, amounting to twenty, and that if she refused to reply, they should be considered as confessed and averred.

At this juncture Jean de Fonte, Isambart de la Pierre, and Martin L'Advenu, visited La Pucelle, and entreated her to submit to the church; explaining, at the same time, that thereby was meant the Pope and the Holy Council. It appears that this advice made a strong impression on the prisoner, who from that period began to place less confidence in the representations of the perfidious Loiseleur.

On the Holy Saturday before Easter, being the 31st of March, La Pucelle was summoned to give answer to the several points concerning which she had not as yet explained herself. It was during this sitting that brother

Isambart returned to advise her to submit herself to the Council of Basil. Jeanne, always apprehensive of fresh schemes to insnare her, inquired what she was to understand by a General Council? Isambart boldly replied, that it was a congregation of the whole universal church, and that in such council there would be as many on her side as on that of the English. On hearing this, Jeanne exclaimed aloud: "*Ho! puisque en ce lieu sont aucuns de notre partie, je veux bien me rendre et me soumettre au concile de Bâle*—Ho! since in this place there are none upon our side, I am willing to give up and submit myself to the Council of Basil." Immediately after this the Bishop of Beauvais, furious and indignant, cried out: "Hold your tongue, envoy of the devil!" He then told the notary to take special care not to write down that Jeanne had submitted to the general council of Basil. "*Hélas!*" sighed out the wretched prisoner, "*vous écrivez ce qui est contre moi, et vous ne voulez pas écrire ce qui est pour moi!*—Alas! you write down what is against me, but you will not record that which is favourable to me!" Upon this occasion the English party threatened to throw brother Isambart into the Seine for his humane interposition.

The Bishop of Beauvais ascribed to Isambart's advice the change that was apparent in the system of defence resorted to by La Pucelle, and he in consequence adopted measures to prevent the admission of any one into the prisoner's chamber without his sanction. The assessors, however, declared that the accused ought to have advisers; and the Bishop of Beauvais apparently yielded to the remonstrances of the tribunal; but he secretly communicated every thing that transpired to the English council, in order to raise obstacles, without seeming to interfere.

Unfortunately for Jeanne, the number of assessors present, when she preferred her appeal to the Pope and the General Council, was very inconsiderable; and among these there were some who were brought over to the Bishop of Beauvais.

The seventy heads of accusation preferred against La Pucelle by Estivet, the proctor, were first reduced to thirty-one, and ultimately to twelve.* It was assumed

* These twelve articles, as they are rather curious, we deem worthy of insertion. *Articles*

that they contained the substance of the replies made by the prisoner, which, however, was very far from the

Articles of Accusation alleged against Jeanne d'Arc, and concerning which the University of Paris was consulted by the Tribunal instituted at Rouen.

ARTICLE I.

A certain woman says, and affirms, that being of the age of thirteen or thereabouts, she has beheld with her mortal eyes Saint Michael, who came to offer her consolation, and sometimes also Saint Gabriel, who appeared to her under a corporeal form; and at other times a great host of angels, and that the Saints Catherine and Margaret also presented themselves to her under corporeal forms; that she even beholds them daily, and has heard their voices; that sometimes she has embraced and kissed them, touching their bodies. She has also seen the heads of angels and of the two saints; but she would state nothing respecting the other parts of their bodies nor their habiliments.

That these two saints have sometimes spoken to her near a fountain, situated contiguous to a great tree, commonly called The Fairies' Tree, which fairies are said to frequent, and whither persons resort for the recovery of their health, although profane the spot; and that many times in this and other places she has worshipped, and performed reverence to them.

She further states, that these two saints appeared and showed themselves to her afterwards, adorned with beautiful and precious wreathes of flowers, and that they repeatedly stated to her, by the order of God, that it was necessary she should repair to a certain secular prince, and promise him, that by her assistance and labour he should recover, by force of arms, a very large temporal domain and great worldly honour; that he would prove victorious over his enemies; that he would receive her into his service, and would furnish her with arms and a body of armed men for the execution of her promises. And moreover, &c. (See Article V.)

She further states, that these two saints tolerated her conduct, when, without the knowledge and against the will of her father and mother, at the age of seventeen, or thereabouts, she quitted the paternal dwelling; and associating herself with a multitude of armed men, spent her days and nights with them, seldom having any female companion.

The saints said and commanded her to execute many other things, in consequence of which she styles herself the messenger of the God of heaven and of the church triumphant.

ARTICLE II.

This same woman further states, that the sign which induced the prince to whom she was sent to place confidence in her revelations, and to allow her to carry on the war, was the descent of Saint Micheal and a host of angels, some with wings, and some wearing crowns, among whom were Saints Catherine and Margaret: that having presented themselves to the prince, Saint Michael and his attendant saints and angels tarried for a long time upon the earth, parading the paths, ascending the steps, and ap-

truth: for, instead of writing down the articles in the words of Jeanne d'Arc, they founded them upon mere

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pearing in his chamber; that one of these angels presented the prince with a crown of very pure and precious gold, and bowed in reverence to him. This woman once stated, that she believed that the prince was alone when he received this sign; but it appears that many persons were near him; and at another time, that an archbishop received the sign, which was a crown, and gave the same to the prince, in presence of many temporal lords.

ARTICLE III.

This woman knows and is certain, that he who visits her is Saint Michael, on account of the excellent advice and succours which he has afforded her, the good doctrine which he has instilled into her; and because he declared himself to be Saint Michael; that she in like manner distinguishes the two saints from each other, because they name themselves when saluting her; that on this account she believes him to be Saint Michael; and she believes that the conversations and actions of the said saint are true and good, as firmly as she believes that our Lord Jesus Christ suffered and died for our redemption.

ARTICLE IV.

She moreover states, that she is certain of many acts that will come to pass in future, and professes to have had a foreknowledge, through the revelations made to her by the two saints, of certain profound secrets: for instance, *that she will be delivered from prison*, and that the French, *in her company*, will perform the grandest feats of arms ever yet achieved in Christendom; and still further, that by these revelations she was made acquainted with persons she had never seen before; and that she discovered and caused to be found a certain sword that was concealed under ground.

ARTICLE V.

(First, in reference to Article I.)

She adds, that the two saints commanded her, by order of God, to assume and to wear the dress of a man; that she adopted the same, and still retains it, sometimes obeying this injunction with such scrupulous perseverance, that she sometimes plainly states, she would rather die than relinquish these vestments, unless such a command was by the order of God; nay, she has even submitted to be debarred from attending mass, and from receiving the sacrament of the eucharist, at the periods prescribed to the faithful, rather than resume the female attire.

ARTICLE V.

This same woman states and affirms, that by the command and with the good-will of God, she has adopted and uniformly worn the dress commonly assumed by men. She further states, that, having received the order of God to wear such apparel, it was requisite she should appear in a short robe, a petticoat, sleeves, and short

conjectures, as appears from the deposition made at the process of revisal, by Thomas de Courcelles, one of the

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clothes, fastened with many tags; that her hair should be cropped round above the ears, and nothing appear upon her person indicating the female sex, save and except what nature had given her to distinguish the difference of the sexes. She confesses that she has frequently received the eucharist thus attired; and, although several times charitably spoken to and advised to resume the vestments of a woman, she could never be prevailed upon to acquiesce, explicitly stating, that she would rather die than change her dress, or that she would not do so unless by God's command; and that, if she wore the male costume with those in whose behalf she armed herself, and so acted prior to her capture and detention, it was one of the most signal services which could occur to the kingdom of France; adding, that for all the world she would not make oath that she never again would wear man's cloathing, or desist from bearing arms; and in saying thus much, she states, that she has acted well, and that she does right in obeying God and his orders.

Article VI.

She avows and agrees that she has caused several letters to be written, in which were the words, "*Jesus Maria*," and the figure of a cross; that she sometimes subjoined a second cross, and that the latter signified that what she mentioned in her letter was not to be put into effect; that in other letters she stated, that she would cause those to be executed who should not obey her letters and ordinances; that she should be recognized by the feats she performed, having the best right, even the order of the God of heaven; and she frequently asserts that she has performed nothing but by virtue of the revelations and commands of God.

Article VII.

She further says and avows, that when about seventeen years of age, she went, of her own accord, and by virtue of a revelation, to a certain esquire whom she had never seen, leaving the paternal roof against the will of her father and mother, who were almost bereft of their senses when made acquainted with her departure; that she entreated this esquire to conduct or cause her to be conveyed to the prince of whom we have previously spoken; that, in consequence, this captain, at her request, gave her a sword and the accoutrements of a man, and that he ordered a knight, a squire, and four valets, to escort her; that on arriving in the presence of the prince, she told him she was anxious to carry on the war against his adversaries, and at the same time promised to procure for him a vast territory and to overcome his enemies, for which purpose she was despatched by the God of heaven; adding, that in all this she has acted rightly by the order of God, and in virtue of revelation.

Article VIII.

She says and declares, that of herself, and without being forced

assessors, who presided at the process of condemnation. The accomplices in this plot were alone in possession of

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or engaged thereto by any one, she precipitated herself from a certain high tower, rather choosing to die than be delivered into the hands of her adversaries, and survive the destruction of the city of Compiegne. She further says, that she could not prevent thus precipitating herself to the earth, notwithstanding the two saints had ordered her to the contrary; and, although she agrees that it was a weighty crime to offend these saints, yet she well knows that the sin was forgiven after she had confessed herself; and this she states was revealed to her.

Article IX.

(First, in reference to Article I.)

The two saints revealed to her that she should be saved in the glory of the blessed, and that she would ensure the salvation of her soul, if she preserved her virginity, which she had offered up the first time she saw and heard them; and in respect to this revelation she affirms, that she is as certain of her salvation, as if she was actually and in very deed enjoying the kingdom of heaven.

Article IX.

This same woman affirms, that these two saints promised to conduct her into paradise, if she faithfully preserved the virginity of her body and soul, which she had dedicated to them. She says that she is as sure of this as if she were already in the glory of the saints; and she does not think she has committed any deadly sin, or else it appears to her the two saints would not visit her daily, as they are wont to do.

Article X.

This same woman states and affirms, that God loves certain persons, whom she designates and names, and who are still living; that he loves them better than herself; and that she knows this by means of the revelation of Saints Catherine and Margaret, who speak to her, not in English, but in French, because they are not on the English side; and that as soon as she had ascertained that the voices were in favour of the prince above adverted to, she did not love the Burgundians.

Article XI.

She says and avows, that in respect to these voices and spirits, whom she denominates Michael, Gabriel, Catherine, and Margaret, she has worshipped them many times, by uncovering her head *(caput discoperiendo,)* in bending her knees, in prostrating herself to the earth upon which they trod, and in offering up to them her virginity: that when embracing and kissing the two female saints, she corporeally and sensibly touched their persons; that she has frequently summoned them to her, in order to demand

the secret of its management. The prisoner's replies, altered in private, were communicated to a select number of persons, who were deemed worthy of confidence; but one of the parties, whose name has not been preserved, made known the unworthy proceedings. Whatever

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their aid and advice, though they frequently appear without being called; that she acquiesces with and obeys their counsels, and as so continued to do from the commencement, without consulting any one, whether father or mother, whether curate, prelate, or any other ecclesiastic. Nevertheless she believes that voices, with male and female saints of this description, visit her from God, and by his orders, as firmly as she believes in the christian religion, and that our Lord Jesus Christ has suffered death for our deliverance; and that if an evil spirit appeared feigning to be Saint Michael, she would well know how to discern whether it was himself or not.

This woman further adds, that of her own consent, and without being urged thereto, she has sworn to these two saints not to reveal the sign of the crown which was given to the prince to whom it was sent; and she also states that she could not reveal the same until she gained permission so to do.

ARTICLE XII.

This woman avows and affirms, that if the church were desirous she should do any act contrary to what she says God has ordered her, she would not comply for any earthly thing, affirming that she knows what is contained in her process proceeds from the ordinance of God, and that it would be out of her power to act otherwise. Besides this, she adds, that she will not refer to the decision of the church militant, or to that of any living man, but to our Lord God alone, more especially as regards the revelations, and the matters to which they relate, and to every thing she has done by virtue of these revelations; and she states that she has not uttered this and the other answers from her own head, but that she has spoken and delivered them by command of those voices, and by virtue of the revelations made to her; although the judges and other persons present declared to her several times the article of the faith—*I believe in the one Holy and Catholic Church*, explaining to her that every living follower of the faith is bound to obey and submit his words and actions to the church militant, particularly in matters of faith, and what concerns the sacred doctrine and ecclesiastical ordinances.

And in reference to Article I.

She has hesitated and refused to submit herself, her words, and actions, to the church militant, although several times exhorted and required; stating, that it is impossible for her to act contrary to what she has affirmed in her process to have done by the order of God; and that, in respect to those things, she does not refer to the decision or judgment of any living creature, but solely to the judgment of God.

prejudices this individual might have entertained against the accused, he strictly examined the various statements, pointed out their many defects, and proposed to the private council, that was convened upon the occasion, the alterations which he thought it would be advisable and necessary to make. The corrections consisted of a sheet of paper, whereupon the twelve articles had been written by Jaques de Touraine, covered with marginal and interlined additions and alterations, of which the judges at the revisal took an entire copy. It has been ascertained that these corrections were sanctioned by the assessors; but the articles were nevertheless adopted in their original form, altogether disagreeing with, and even frequently contradicting, the answers delivered by Jeanne. As a proof of this, she was represented to have affirmed, that her delivery from prison would be effected, and that the French, accompanied by her, would perform the greatest feats of arms ever yet achieved in Christendom. The assertions that she had made concerning her male attire were misrepresented; it was stated that she would not attend the celebration of mass because she must lay it aside; whereas it was well known, that she consented to put on the dress of her own sex in order to hear the church service, on condition that she should be allowed to resume her favourite apparel afterwards. Every precaution was taken to conceal Jeanne's real motives for this conduct, originating, as before observed, in extreme modesty, which had been repeatedly subjected to the most brutal assaults from the vilest of men.

The assessors and doctors, when consulted upon questions thus garbled and contrary to truth, were almost unanimous in their unfavourable opinions, and adjudged the prisoner guilty upon every count. In order to remove from the recollection of the accused the advice she had received from Father Isambart, recourse was had to the expedient of weakening and changing, by equivocations and subtle distinctions, the definition which Jean de la Fontaine had given to La Pucelle of the church militant. Thus the entire routine of the process was involved in ambiguity, and it was in this manner that all the ulterior proceedings respecting the prisoner were uniformly conducted.

At this juncture it was reported that Jeanne d'Arc

was taken dangerously ill, when Cardinal Beaufort and the Earl of Warwick, having ascertained the fact, employed Guillaume des Jardins and Guillaume de la Chambre, two practitioners in medicine, with other doctors. At the interview which took place with these individuals, the Earl of Warwick stated that Jeanne was ill, and that he had summoned them for the purpose of holding a consultation. "For," added the earl, "the King of England would not for the world that she should die a natural death;* he has paid dearly for her, and her days must end by the hand of justice; he expects to have her burnt. See her, therefore, and adopt every precaution that she may recover." The doctors, in consequence, visited the prisoner, and agreed that she ought to lose blood. When they returned to the Earl of Warwick, in order to make known to him their decision: "Take heed," said the latter, "not to bleed her; for she is artful, and might put an end to herself." Notwithstanding this, however, Jeanne was bled, and the fever immediately abated. The judges despatched one Jean Tiphaine, a student in medicine, to visit the invalid, who was introduced to her by the proctor Estivet, when the latter conducted himself towards Jeanne in the most infamous manner, and loaded her with abuse of the vilest description. The unfortunate sufferer, unable to suppress her just indignation, endeavoured to rebut these foul aspersions, and was, in consequence, so exhausted from irritation, that a return of the fever immediately took place. The nature of the prisoner's disorder might lead to a suspicion that the Bishop of Beauvais had sought to poison her, in order the more easily to rid himself and the English, his masters, of the burden and the disgrace of a tedious and iniquitous judicial proceeding.†

Upon the first citation, which took place on the 18th

* Deposition of Guillaume de la Chambre.

† In respect to this illness of Jeanne d'Arc, one of the witnesses made the following singular statement: On the prisoner's being questioned as to whether she could in any way account for her indisposition, she replied, that the Bishop of Beauvais had sent her a carp, of which she had eaten, and that she firmly believed her illness originated in that circumstance.—*Chaussard*, vol. i. p. 64.

of April, Jeanne was in imminent danger. In this extremity she only requested that the sacrament of penetence and the eucharist might be administered to her, and an assurance that her body, after death, should be consigned to consecrated ground.

The wretched captive had too long perceived that her life was forfeited, and that it was vain to delude herself with the hope of release from her enemies. This at least appears evident from the following fact.

Raymond, Lord de Macy, came to visit La Pucelle, accompanied by the Earls of Warwick and Stafford, the Comte de Ligny, who had basely sold her, and the Chancellor of England. Comte de Ligny, addressing himself to La Pucelle, said: "Jeanne, I am come to treat respecting your ransom, in case you will promise never again to take up arms against us: to which Jeanne replied: "*En nom de Dieu vous vous riez de moi, car je sais bien que vous n'en avez ni le vouloir ni le pouvoir. Je sais bien que ces Anglais me feront mourir, croyant après ma mort gagner le royaume de France: mais fussent-ils cent mille godons plus qu'ils ne sont de présent, ils n'auraient pas ce royaume.* By my God, you do but mock me; for I well know that you have neither the will nor the power. I am certain that these English will put me to death, thinking, after I am gone, to gain the kingdom of France; but were they a hundred thousand *(godons)* gluttons more than they are at present, they would not possess the kingdom. The Earl of Stafford, indignant at hearing these magnanimous expressions, half unsheathed his dagger, with the intention of striking the captive; but the Earl of Warwick, seizing his arm, prevented the execution of his purpose.

At the third monition, the assembly hinted to the accused that the executioners were at hand, and that they had prepared the instruments necessary for the infliction of torture. These means, however, instead of intimidating, only tended to irritate Jeanne d'Arc, and to inspire her with additional courage. "If, during the agony of my sufferings," said she, "any false avowals should chance to escape me, I will maintain that they were only wrenched from me by violent means. God has uniformly guided all my actions; never has the devil

possessed influence over my proceedings. Even should you tear me limb from limb, and separate my soul from my body, I would not utter one word more than was expressed during the process." Jean de Castillon, sensibly affected by the apparent good faith of the accused, began to surmise the evil intentions of her persecutors; wherefore, upon a very captious and improper question being proposed to the prisoner, he dared to affirm, in open court, that, perhaps, she was not obliged to give any reply to interrogatories of such a nature. At hearing this the assembly was in great commotion; but Castillon, more indignant than affrighted at the vehemence of his opponents, declared to the Bishop of Beauvais, and those assisting, that proceedings conducted in such a manner were entirely null and void. The bishop, in anger, commanded his silence, and he was never after summoned to attend the sittings of the court.

At length arrived the answers of such as had been consulted, and among them those of the university of Paris. Upon examining them it is difficult to decide whether we should feel most astonishment at the extreme folly of the motives alleged for condemnation, or the iniquity of the doctors who advocated the cause of the English. One fact, however, is particularly worthy of remark, which is, that the judges never communicated to the accused the twelve propositions, wherein her original answers had been so materially altered, and which served as the basis of so many infamous judgments.

During the monition of the 23d of May, Pierre Morice, canon of the cathedral at Rouen, whilst rehearsing the twelve articles of accusation, incessantly reproached the prisoner with her ignorance and weakness, and endeavoured to entangle her by frivolous and vexatious questions. No interval of time was allowed the accused between the several propositions to which the opinions of the university of Paris applied, and she was debarred from uttering a syllable in her own defence upon any one of the articles produced in evidence against her. When Morice had concluded the perusal, he advised the accused to appeal to the decision of the church.

It was at this period that the answers of Jeanne were expected; and she, in consequence, addressed the court,

saying, that she referred to the statements made during the process, and that she was resolved to maintain them. "*Quand même je serais en jugement, quand je verrais le feu préparé, le bucher allumé, et le bourreau prêt a m'y jeter, je ne dirais pas autre chose à la mort, que ce que j'ai dit au procès.* Even were the sentence put in force," exclaimed the accused, "did I behold the fire prepared, the faggots lighted, and the executioner on the point of throwing me into the flames, I would not, in death, utter a thing that was not pronounced during the process." And, from that period, she maintained a determined silence, which was never broken. The unfortunate prisoner was then cited to appear on the ensuing day to hear her definitive judgment pronounced, while her pretended judges drew out the sentence of condemnation, which does not appear to have been communicated to the assessors. This document opens with a detail of the vigilance with which pastors should banish from their flocks the errors disseminated by the devil; after which it proceeds briefly to notice the instruction already procured, the advice of the doctors consulted, and the decision of the university. It was then stated to the accused, that she had imagined and superstitiously invented divers revelations and apparitions, on which she too easily placed reliance; and that she was rash, superstitious, and a sorceress; a blasphemer of God and his saints, and especially of the Lord in his sacraments; a prevaricator of the divine law, and of the doctrine of the laws of the church; a schismatic, erring from the faith, and rashly culpable towards God and the holy church, to which she would not submit herself. Lastly, it was declared, that she was obstinate, persevering in her errors, and an heretic; that she was lopped off from the church as an infected member, and consequently delivered over to secular justice, which was called upon to act with lenity towards her.

From this period the judges engaged themselves entirely in endeavouring to procure Jeanne d'Arc's submission to the church; and it was ultimately decided, that if she did not solemnly abjure her errors, she should be handed over to the secular arm, and burnt at the stake. From the general tenour of her character, it

may naturally be conceived that La Pucelle would refuse such an abjuration; and the perfidious Loiseleur was once more employed to wheedle her into compliance. "Confide in me, Jeanne," said the traitor; "if you desire to be saved, you may effect it. Resume your female attire, and act in all things as you are desired, otherwise you are in danger of death; but, if you do as I say, you will be saved, and every thing will terminate favourably; no injury will be done to you, and you will be restored to the church." Such assurances, it must be allowed, were very consolatory to a wretched captive so circumstanced, and who only sought to be delivered from the hands of the English.

On the 24th of May, 1431, Jeanne d'Arc was conducted to the burial-ground of the abbey of Saint Ouen, at Rouen. In the midst of this enclosure were erected two stages, or scaffolds, one for the use of the judges, and the other for La Pucelle and Guillaume Erard, doctor in theology, who was the person deputed to deliver the sermon customary upon such occasions. Jeanne appeared in the dress of a man.

At a little distance was stationed the executioner, with the cart used for the conveyance of culprits, and the faggots were arranged around the stake, on the spot where the sentence was to be put into effect.

The preacher then commenced a discourse, which had for its ostensible object the eternal salvation of the prisoner, and the instruction of the multitude assembled. In the course of his preaching, however, he contrived to lavish the bitterest invectives upon Jeanne d'Arc, stating that she had attacked the king's majesty, —had committed many crimes against God and the Catholic church; that she erred against the faith; and that if she did not act with caution she would be burnt. On hearing this, La Pucelle exclaimed aloud: "*Ah, France! tu es bien abusée, qui as toujours été la chambre très Chrétienne, de te adhérer à une hérétique et scismatique, tel il est, aux paroles et faiz d'une femme inutile, diffamée, et de tout déshonneur pleine; et non pas lui seulement, mais tout le clergie de son obéissance et seigneurie, par lequel elle a été examinée et non reprinse, comme elle a dit et du dit Roy.* Ah, France! how art thou abused, which hast ever been

the most Christian chamber, to adhere to an heretic and schismatic, for such he * is, from the words and acts of a useless defamed woman, full of dishonour; and not only him, but all the clergy and nobility under his obedience, by whom she has been examined, and not reproached."

On directing his discourse to La Pucelle in particular, the preacher exclaimed, in an elevated tone of voice: "It is to thee, Jeanne, I speak, and tell thee that thy king is an heretic and schismatic!" to which she made answer: "Speak of me, and not of the king; he is a good Christian." And as this ecclesiastic still proceeded in his invectives, she further observed: "*Par ma foi, sire, révérence gardée, car je vous ose bien dire et jurer, sous peine de ma vie, que c'est le plus noble Chrétien de tous les Chrétiens, et qui mieux aime la foi et l'église, et n'est point tel que vous dites*—By my faith, sire, with all due submission, for I dare to tell you and to swear, on pain of my life, that he is the most noble of all Christians, and loves the faith and the church, and is not that which you call him." The preacher and the Bishop of Beauvais then commanded Jean Massieu, the beadle, to compel Jeanne to hold her peace.

When the sermon was concluded, a schedule was read to the prisoner, containing the form of the abjuration; and the beadle having read the contents, said to the accused: "You will abjure and sign this schedule." Among other things, it contained a promise never more to carry arms, to wear male attire, or to have her hair cut short; the whole consisting only of about eight lines. Jeanne then said, she did not know what was meant by abjuring, and required an explanation; upon which Jean Massieu, desirous of making the prisoner, as quickly as possible, aware of the perilous situation in which she was placed, briefly stated, that if she should show any opposition to the articles of abjuration, she would be burnt; and, at the same time, advised her to appeal to the universal church, whether she ought to abjure or not. Placing confidence in his words, Jeanne then cried aloud: "*Je me rapporte à l'église univer-*

* Meaning Charles VII.

selle, si je dois abjurer ou non—I appeal to the universal church, whether I ought to abjure or not."—"Thou shalt instantly abjure them, or be burnt!" answered the pitiless Erard. Upon this Jeanne resumed her speech in the following words: "*J'ai déjà répondu à ce qui concerne la soumission à l'église, par rapport à mes actions et mes paroles; je consens que l'on envoie mes réponses à Rome, et je m'y soumets; mais j'affirme en même temps que je n'ai rien fait que par les ordres de Dieu: au surplus, j'ajoute qu'aucun de mes faits ni de mes discours ne peut être à la charge de mon roi, ni d'aucun autre.* I have already replied to what appertains to submission to the church, as concerns my words and actions; I consent that my answers be forwarded to Rome, to which I submit; but I protest, at the same time, that I have done nothing but by the command of God: moreover, I have to add, that none of my speeches or actions can be imputed to my king or any one else." Could there be a more incontestible proof adduced of fidelity and greatness of soul at a moment so replete with terror?

Jeanne was no more questioned as to whether she would submit to the church or not, but merely if she would revoke the deeds and discourses which had been condemned by the ecclesiastics present? To this she answered, that she wished to appeal to God, and their holy father the pope. The judges, however, without consulting any one, took upon themselves to state to the accused, that that was not sufficient; for that the pope resided at too great a distance for an appeal to be made to him. It was then stated, in order to induce her to recognise the judgment awarded against her, that the ordinaries would act as judges in their diocese. Thus the inquisitor and the Bishop of Beauvais acted as the church itself, and their fiat admitted of no appeal; such being the flagrant error that doomed the unfortunate Jeanne d'Arc to the flames.

Thrice was La Pucelle summoned, in defiance of her appeal to the pope, to sanction this unlawful principle; but as she did not think fit to answer, the Bishop of Beauvais proceeded to read her condemnation, during which he had the daring effrontery to pronounce these words: "You have, moreover, with an obstinate and

persevering spirit, expressly refused to submit to our holy father the pope, and to the general council." It cannot be denied, that this was indeed the very climax of impudence.

The most importunate measures were perseveringly adopted in order to obtain from Jeanne the abjuration so much desired. Some employed menaces, while others had recourse to prayers and entreaties; for not all those who at this momentary crisis surrounded La Pucelle were her enemies, but, on the contrary, many of them ardently wished to save her life. Threats, however, only irritated the heroine, who, in a moment of impatience, exclaimed: "*Tout ce que j'ai fait, tout ce que je fais, j'ai bien fait, et fais bien de le faire* —All that I have done, all that I do, is well done, and I do well in so doing." But entreaties produced a contrary effect; she became softened, and, at length, determined to comply. Loiseleur exhorted her, in the most pressing terms, to submit; while Erard, changing his tone, addressed her with counterfeited good-will, to the following effect: "Jeanne, we all feel pity towards thee: thou must revoke what thou hast uttered, otherwise we must abandon thee to secular justice." Several persons, greatly affected, and really interested for the fate of La Pucelle, then exclaimed aloud: "Jeanne, do as you are advised; will you be the cause of your own death?"

The unfortunate girl began to be evidently moved, and proceeded to clear herself from blame, by stating to the preacher that she had adopted men's attire because, being obliged to appear in the midst of armed men, that state of dress was more suitable and safe than the female attire. "I have been guilty of no crimes," she said, "I believe in the twelve articles of the faith, and the precepts laid down by the decalogue; I appeal to the court of Rome, and I believe in every thing that is accredited by the holy church." Still Jeanne was pressed to abjure, and Erard went so far as to promise that, in case of compliance, she should be set at liberty; but, although her resolution was shaken, she still persisted in her refusal: "Ah!" she exclaimed, "you have great difficulty in seducing me!"

The Bishop of Beauvais, perceiving that she was in-

clined to yield, delayed the reading of the sentence of condemnation; upon which the English, who were present, began to murmur, and even went so far as to accuse the bishop of treason, and of favouring the accused. The passionate Pierre Cauchon could not patiently submit to this injury: "It is a lie," said he, addressing the chaplain of Cardinal Beaufort—"for in such a situation I would show favour to no one; but it is the duty of my profession to endeavour to save the soul and body of the said Jeanne. You have done me an injustice, nor will I proceed further until you have offered me reparation." The cardinal put an end to this disgraceful altercation, by reprimanding his chaplain, and ordering him to hold his tongue.

Jean Massieu took advantage of the time that was occupied in this debate to persuade Jeanne to sign the schedule. Pressed on every side, and overcome by the entreaties of those who were around her, she, at length, replied to the representations of the doctors: "*Que cette cédule soit vue par les clercs et l'église, dans les mains des quels je dois être mise; et s'ils me donnent conseil de la signer, et de faire les choses qui me sont dites, je le ferai volontiers*—Let this schedule be inspected by the clerks of the church, in whose hands I am to be placed; and if they advise me to sign it, and to perform the things which are told me, I am willing so to do." Guillaume Erard then exclaimed, "Sign on the instant, or you shall this day terminate your existence in the flames!" Jeanne replied, that she would rather sign than be burnt; upon which the Bishop of Beauvais demanded of Cardinal Beaufort what should be done, seeing that she acquiesced. The cardinal then said, that he ought to admit her to penance. Laurent Callot, secretary of the King of England, immediately drew from his sleeve a schedule, which he presented to the accused for the purpose of signing. Jeanne upon this remarked, that she could neither read nor write. Callot was peremptory; and Jean Massieu, who watched over all the actions of the prisoner, in order that no occasion to save her might escape, placed the pen in the hands of La Pucelle. They then caused her to repeat the form of the abjuration which had already been several times read over, containing only

seven or eight lines, as we have previously noticed. Jeanne obeyed; but while in the act of repeating, smiled, as if she attached no importance whatever to the forms that were exacted from her. At length, as if in derision, she traced a circle at the bottom of the schedule; when Laurent Callot, seizing her hand, forced her to annex the figure of a cross.

It appears that at this juncture a great tumult arose in the assembly; originating in expressions of joy from the people, which repressed a contrary feeling on the part of the English who were present; and the latter threw stones at the judges, to testify their discontent at finding that Jeanne d'Arc was not immediately to be burnt at the stake.

The schedule, however, so signed by La Pucelle, was not that which had been read to her, and which she had repeated, the latter consisting merely of a few lines; but another, occupying nearly three pages, which Callot had very adroitly substituted, when the signature was to be annexed.* The document which she unwarily signed, contained every statement that the prisoner would have

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* The following is the shedule, as it appears in the process of condemnation:—

"Every person who has erred and mistaken the Christian faith, and afterwards, by the grace of God, is returned to the light of truth and to the unity of our holy mother church, should have special care lest the enemy in hell should turn him back and cause him to relapse into error and damnation. On account of this, I Jeanne, commonly called La Pucelle, miserable sinner, after what I have thus seen of the error to which I was devoted, and that by the grace of God I am returned to our holy mother church, in order that it may be seen, that not feignedly, but of good heart and good-will, I am returned to her: I confess that I have most grievously sinned, *in lying*, *by pretending* to have heard revelations and apparitions from God, by the angels and Saint Catherine and Saint Margaret; in seducing souls; *in creating things foolishly and lightly* [the same contradiction appears in the sentence]; in uttering superstitious divinations; in blaspheming God, and his saints, male and female; in trespassing, against divine law, the holy scriptures, and the canon laws; in adopting a dissolute and unbecoming dress, against the decency of nature, and hair cropped short round in disguise of a man, against the comliness of the feminine sex; in also wearing armour, with great presumption, and cruelly desiring the effusion of human blood; in saying that I have performed all these

refused to ratify had it been read to her; being made up of the most cowardly confessions, and of assertions equally vile and absurd. This important result being obtained, the Bishop of Beauvais and the vice-inquisitor, without even consulting the assessors, pronounced a sentence widely different from the first, but similarly addressed to the accused,—from whence it may be concluded that the two sentences had been previously drawn out. This new sentence, which was read aloud to Jeanne, closed with these words: "As you have sinned against God and the church, we condemn you, as a matter of grace and moderation, to pass the residue of your days in prison, to share the bread of bitterness and the water of agony, to weep for your sins, and to commit no more in future."

The perfidious Loiseleur, at this period, approached La Pucelle, and, with hypocrisy that but ill concealed his malicious irony, thus bespoke her: "Jeanne, you have made a good day's work of it, if it so pleases God, and you have saved your soul." The prisoner then demanded whither she was to go, and if she was not to

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things by the command of God, the angels, and the above-mentioned saints—and that, in so acting, I have done well, and not been mistaken; in despising God and his sacraments; in raising seditions; and in committing idolatry by adoring evil spirits and invoking them. Which crimes and errors, with good heart and without fiction, I, by the grace of our Lord God, returned to the path of truth, by the holy doctrine and the good counsel of you and the doctors and masters you have sent me, abjure, detest, deny, and from all renounce and depart: and upon the several points abovesaid submit myself to the correction, disposition, amendment, and total determination of our holy mother church and your good justice. I equally swear, vow, and promise to my Lord Saint Peter, prince of apostles, to our holy father, the Pope of Rome, his vicar, and his successors, and to you, my lords, the reverend father in God my Lord Bishop of Beauvais, and the religious personage master Jehan le Maître, vicar of my lord the inquisitor of the faith, as well as to my judges, that never by any exhortation, or other manner, I will return to the errors aforesaid, from which it has pleased our Lord to take and deliver me; but always remain in union with our holy mother church, and in obedience to our holy father the Pope of Rome. And this I say, attest, and swear, by Almighty God, and by the holy Evangelists. And in confirmation hereof, I have signed this schedule with my signature." JEHANNE, ✠

be delivered over to the power of the church, since the church condemned her? Upon finding that no reply was made to this question, she exclaimed, "*Or ça, entre vous, gens d'église, menez moi en vous prisons, et que je ne sois plus en la main de ces Anglais*— Well now, come you men of the church, conduct me to your prisons, and let me no longer remain in the hands of these English." No notice was, however, taken of this appeal, so evidently just; but the Bishop of Beauvais ordered her to be conducted back to the prison from whence she came, and the wretched captive was, in consequence, again committed to the castle of Rouen.

The vice-inquisitor speedily followed Jeanne to her cell; where, after exhorting her not to relapse into those errors which the church had forgiven her, he further enjoined her to adopt the habiliments of her own sex, according to the orders of the court, with which she had agreed to comply. The unhappy maid submitted without opposition, and also agreed to let her hair grow, and not cut it short, as was customary at that time with men. Morice and Loiseleur had furnished La Pucelle with female attire, in which she dressed herself: the male accoutrements, however, were not removed, but placed in a sack, and left in the chamber. The latter circumstance is particularly worthy of remark, because it throws a light on the dreadful event which speedily after took place, and put a finishing stroke to the atrocious proceedings adopted by the enemies of the wretched girl. Some Englishmen, unacquainted with the latter schemes of Cardinal Beaufort, Cauchon, Bishop of Beauvais, and others, who were delegated to act in this sanguinary affair, expressing their discontent on finding that Jeanne d'Arc had escaped from immediate death, received this iniquitous answer: "Do not fear, we shall soon have her another way." In fact, the execution of La Pucelle was delayed for a while, merely to give the proceedings of her judges the appearance of lenity; for the means of putting her sentence into effect were already prepared.

Jeanne was committed to the care of five English soldiers, three of whom spent the night within her apartment, and the others without. On the two follow-

ing days she scrupulously fulfilled the duties imposed upon her at her judgment: although, on the very day when her sentence was pronounced, she manifested infinite regret for having submitted to the terms. On the 27th of May, which fell upon a Sunday,* the Bishop of Beauvais and the Earl of Warwick hastily summoned the assessors and notaries who had officiated at the process, in order to announce to them that Jeanne d'Arc

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* The following is the account delivered by Massieu, according to the statement of Boreille, and the evidence taken at Rouen.

"On the arrival of Sunday morning," says he, "which was the day of Holy Trinity, when she [Jeanne] was about to get up [as stated by herself to the narrator], she said to her guards, 'Assist me, I wish to get up.'

"One of these Englishmen, upon this, took off the female dress she had upon her person, emptied the sack that contained the man's apparel, and threw the vestments upon her, bidding her, at the same time, arise; after which he placed the woman's attire in the said sack: 'You know,' said the prisoner, 'that I am forbidden to put on these clothes, and that so to act would be deemed a crime:' yet they nevertheless would give her no other.

"In this debate the prisoner and her guards continued until nearly mid-day, when, urged by the pressing exigencies of nature, she was constrained to go out and take with her the said male habit."

During the process of revisal, other facts were elicited to prove the violence to which Jeanne was repeatedly subjected. It is incontestably proved, that attempts were made to violate her chastity between the period of abjuration and the alleged relapse. La Pierre states, that when the prisoner endeavoured to justify herself for resuming the male dress, she publicly declared and affirmed, that the English had subjected her to the most cruel injuries while habited as her own sex; and this witness also deposes (to use his own words,) "*Qu'il la vît epplourée; son visage plein de larmes, desfigurée et oultragiée en telle sorte que lui qui parle en eût pitié et compassion*—That he beheld her hair dishevelled, her face bathed in tears, and so disfigured and outraged, that he, the speaker, had pity and compassion on her."

Jeanne's confessor, L'Advenu, who accompanied her to execution, states, she declared to him, "That after the performance of abjuration, and while in prison, she had been violently assaulted, molested, beaten, and her hair torn, and that it was an English lord who strove to violate her; to which she publicly added, that such was the cause of her having changed the female attire."—*Chaussard*, vol. i. pp. 12, 13, and 14.

had resumed the dress of a man. They received orders to repair to the castle for the purpose of verifying the fact; but, on their arrival, they were very ill-treated by the English, who reviled them as traitors, Armagnacs, and evil-counsellors; so that the major part could not gain admittance into the chamber of the prisoner. This interruption arose from the English, who were irritated at finding that Jeanne d'Arc had escaped punishment when the first sentence was pronounced.

Several of the assessors, however, forced their way into the apartment occupied by the prisoner, whom they found clad in the dress of a man. One of them expressed a wish to ask her the reason why she had thus changed her habit; but another exclaimed, "In the name of the devil hold your tongue!" whilst a third raised a hatchet to strike the individual who had made the proposition. At this occurrence the persecutors of Jeanne d'Arc testified a ferocious joy; and the Earl of Warwick and the Bishop of Beauvais were heard to exclaim, with cruel satisfaction, "She is caught!"

The judges, that is to say the Bishop of Beauvais and the vice-inquisitor, accompanied by eight assessors, repaired to the prison on the ensuing day. They no longer confined themselves to the observance of legal formalities. The first process being terminated by a judgment, a new course of proceedings ought to have been instituted, in consideration of the relapse; but they only occupied themselves in making preparations for the execution, without giving any intimation to Jeanne d'Arc that she was again to be tried by a criminal process. She was asked the reason why she had resumed the dress of a man? to this she replied: "I have done so because I conceive it more decent and fitting than the apparel of women, so long as I continue to be guarded by men. Besides, I only adopted the dress because the promises made to me were not performed; namely, to permit me to hear mass, to receive the body of Jesus Christ, and no longer to shackle me thus with fetters and chains of iron." The judges, without denying the justice of this affecting appeal, represented to La Pucelle that she had sworn not to resume the attire of a man; upon which the impulse of despair forced from her these words:—"I would rather die than continue in chains; but were

I permitted to attend mass, to go unfettered, and enjoy a less rigorous imprisonment, I would be good—I would do every thing the church required."

The Bishop of Beauvais, fully bent on making Jeanne a sacrifice to his own hatred and that of her enemies, then interrogated her respecting her revelations, about Saint Catherine and Saint Margaret, and as to what had been communicated by those saints since the period of her abjuration. Instead of dissembling, Jeanne, with a frankness that was the occasion of her death, made this answer, which is amply verified by the rough draft of the process of condemnation:—"God has made known to me, through the medium of the two saints, the great pity excited by that solemn incident, in which I consented to perform abjuration in order to save my life. Previous to last Thursday they announced to me that I should act thus, and do what I have done. When I was upon the scaffold, they commanded me to answer the preacher boldly; and I now say he was a false preacher, because he accused me of having done things which I had never performed. Since Thursday they have declared to me that I was guilty of a great fault. In short, every thing which I have said and done since Thursday last has been performed under the dread of being burnt."

On its being observed to the prisoner that she had solemnly abjured, "I said," answered she, "things which I neither thought to say nor to do; it was not my wish to have it thought that I did not believe the saints conversed with me. It is not true that I have renounced every thing which I may have done. I would rather instantly perform my act of penitence than longer endure all I am forced to suffer in prison. Besides, I have never said or done any act against God and the faith, notwithstanding all that I have been commanded to renounce. I do not know what was contained in the schedule of abjuration; I have revoked nothing but under the supposition that it would be agreeable to God. In fine, if the judges desire it, I will resume a woman's dress; but I will do nothing more."

The judges, without informing the prisoner that, regarding her as a relapse, they were going to arraign her, caused the verbal process to be drawn out, repeating

every thing she had uttered, probably without reading the contents of this document to her. Such is the account substantiated by the rough draught of the process executed under the direction of the judges; and these facts, such as they are, sufficiently prove the atrocious conduct of Jeanne's persecutors. In addition to this, however, it is confidently averred, by the depositions of witnesses, as we have above stated, that the prisoner only assumed male attire to escape the repeated attacks upon her chastity.

In the verbal process, all these facts were omitted by the judges; but who can feel astonished at such scandalous conduct? The whole tenour of their proceedings sufficiently displays the baseness of their hearts. It was but a secondary consideration that they had entrapped the unfortunate girl, in order to give her up to the vengeance of the English; they even went so far as to triumph in the success of their infamous treachery. They made a parade of their disgrace, and assumed glory to themselves for playing the parts assigned to them by strangers, of so many judicial assassins. Once, on quitting the prison, the dastardly Bishop of Beauvais was heard to exclaim, in an elevated tone of voice, a smile playing on his lips as he addressed the Earl of Warwick and a multitude of people who surrounded him, "*All's well! the business is done.*"

The simple visit of the judges to Jeanne d'Arc sufficed with her persecutors for every other judicial form. On the ensuing day they convened such assessors as they thought proper to select, and read to them the extrajudicial verbal process which they had dictated. It was on this document, which may be deemed in some measure apocryphal, that the opinions of the judges were taken, and Jeanne was to be declared a relapse and consequently surrendered over to the secular arm, with the hypocritical injunction that she should be leniently treated. The prisoner was cited to appear before her judges on the following morning, when her death was resolved upon, and fixed for the same day. The Bishop of Beauvais, at an early hour, despatched Martin L'Advenu to Jeanne, to announce her approaching fate, to urge her to unfeigned contrition and penitence, and to hear her confession. Upon this the

wretched creature burst into tears, and tore her hair, exclaiming: " *Hélas! me traite l'on ainsi horriblement et cruellement, qu'il faille mon corps net et entier, qui ne fut jamais corrompu, soit aujourd'hui consumé et rendu en cendres! Ha! j'aimerais mieux être décapitée sept fois que d'être ainsi brûlée. Hélas! si j'eusse été en la prison ecclésiastique, à laquelle je m'étais submise, et que j'eusse été gardée par les gens de l'église, non par mes ennemis et adversaires, il ne m'en fût pas si misérablement meschu comme il est. O! j'en appelle à Dieu, le grand Juge des grands torts et ingravances qu'on me fait.*—Alas! then am I to be treated thus horribly and cruelly, that my whole and entire body, never yet corrupted, should be consumed and reduced to ashes! Ha! I would rather be beheaded seven times over than thus burnt. Alas! had I been consigned to the ecclesiastical prison, to whose jurisdiction I submitted, and guarded by men of the church, not by my enemies and adversaries, such a miserable end as this would not have awaited me! Oh! I appeal to God, the great judge, how many sufferings and grievances I have been compelled to endure!

Brother Martin L'Advenu, however, succeeded in calming the unhappy girl, and she prepared herself, with her accustomed resignation and piety, to make her confession. At this time she demanded the sacrament of the eucharist, which her persecutors allowed her to receive. Her request being submitted to the Bishop of Beauvais, that prelate, after consulting with other doctors, gave for answer, *that Jeanne might have whatsoever she thought fit to request.* What a disgusting series of contradictions do these proceedings display! All these favours were to be granted to an unfortunate creature who was on the point of being publicly proclaimed a schismatic and a heretic.

The eucharist was administered by brother Martin, which Jeanne received with the greatest devotion, shedding tears in abundance, and evincing an humility beyond all expression. After this religious act had been performed, the Bishop of Beauvais repaired to the prison; and, upon entering, he was accosted by Jeanne in the following words, " Bishop! it is owing to you that I die."—" Ah! Jeanne," answered the bishop,

"you die because you have relapsed into your former errors." To this the wretched sufferer replied, "*Helas! si vous m'eussiez mis aux prisons de cour d'église, cela ne serait point arrive. Pourquoi j'appelle de vous devant Dieu.*—Alas! had you placed me in the prisons of the ecclesiastical court, this would not have happened. On this account I appeal from you to God."

La Pucelle was then dressed in woman's attire; and the time for her removal to the scene of suffering being arrived, which was nine in the morning, she was placed in a cart that awaited her in the court-yard of the castle. At her side were seated her confessor, brother Martin L'Advenu; the beadle, Jean Massieu; and brother Isambart de Lapierre; while upwards of eight hundred English soldiers, armed with hatchets, swords, and lances, ranged themselves as an escort for the vehicle.

At this affecting juncture, the iniquitous Loiseleur, torn by feelings of the most poignant remorse, rushing through the crowd, ascended the cart to crave pardon of Jeanne for his infamous perfidy. The English instantly laid violent hands upon him, and would have murdered him but for the interference of the Earl of Warwick, who strictly enjoined him, if he valued his life, to seek refuge at a distance from Rouen.

As the cavalcade advanced towards the old market-place at Rouen, which was at that period the spot appropriated for the execution of criminals, Jeanne uttered lamentations at once so pious and so affecting, that even those who were immediately concerned in the cruel transaction were brought to their tears.

Scaffoldings had been erected in the market-place, one for the Judges, (amongst whom where also the secular judges appointed to pronounce sentence of death upon the prisoner,) another for the accommodation of spectators, and a third on which were piled the faggots destined to consume the prisoner. Thus it is obvious that the implements of death were prepared even before the sermon was delivered, or the sentence finally pronounced.

Nicolas Midi was deputed to address to the condemned a salutary exhortation, which was also intended for the edification of the assembled multitude. The ecclesiastic, among other things, told her that she had

acted sinfully; that her crime had been once pardoned, and that therefore the church could no longer interest itself in her behalf: and he concluded his harangue with these words, addressed to La Pucelle:—"Jeanne, go thy way in peace; the church can no longer protect thee, and therefore yields thee to the secular arm."

At the termination of the sermon, Jeanne, kneeling down, offered up the most fervent prayers to God, at the same time craving forgiveness of all those whom she might have offended; entreating the bystanders to pray for her, and expressing so much devotion in her conduct, that her judges, and even many of the English, her bitter enemies, could not refrain from tears. Fully assured of the efficacy of the prayers of the church, she begged of the priests who were in attendance, that each would celebrate a mass for her soul. So attentive was she, even at this terrible moment, to guard against every thing that might tend to the prejudice of her king, that she was anxious to testify he had never been instrumental in the deeds she had performed, whether she had been right or wrong in so doing.*

The Bishop of Beauvais then spoke in his turn, and read aloud the sentence, which concluded with these words:—"It is therefore on this account, we, being on our tribunal, declare, by our present sentence, that you are a relapse and a heretic; we pronounce you a rotten member, and as such, in order that you may not corrupt others, we declare you cast out and cut off from the church; and we deliver you over to the secular power, praying it to be moderate in its judgment towards you, in sparing you from death and the mutilation of your members; and if you show real signs of repentance, the sacrament of penitence shall be administered to you." From these closing words it appears that the sentence had been worded on the preceding day, before the favour of receiving the sacrament had been granted to the prisoner.

Jeanne wept anew on hearing the sentence delivered, and made application for a crucifix: upon which an Englishman present formed a small cross with two sticks, and handed it to the sufferer, who devoutly received the same, first kissing it, and then placing it in

* This fact is attested by Jean de Mailly, Bishop of Noyon.

her bosom.* She then humbly entreated the beadle that he would procure for her the church crucifix, in order that she might fix her eyes upon it until the moment of her yielding up the ghost. A clerk of the parish of St. Saviour's, in compliance with her request, then brought the cross, which she eagerly seized and pressed with fervour in her arms, recommending her soul to God, Saint Michael, and Saint Catherine, continuing to grasp the same until her arms were bound upon the scaffold. The English, impatient to behold the sacrifice of their unhappy victim, began to murmur at these delays; upon which, without any ceremonious form or sign of judgment, they destined the heroine to the flames, ordering the executioner to do his duty.

Two serjeants then repaired to conduct the prisoner from the scaffold upon which she had first been stationed; when she kissed the crucifix, bowed to the assistants, and descended of her own accord, followed by brother Martin L'Advenu. A troop of armed Englishmen then seized upon the prisoner, and dragged her to the stake with every mark of furious exultation. The seneschal of Rouen and his lieutenant were not allowed time to pronounce any sentence against the accused; they were not even consulted; but Jeanne was hurried away to death, invoking the name of the Almighty, and frequently exclaiming: "*Ah! Rouen, Rouen! seras-tu ma dernière demeure?*—Ah! Rouen, Rouen! wilt thou be my last residence?"

At the foot of the stake the mitre of the inquisition was placed upon her brows, whereon were written these words: "HERETIC, RELAPSE, APOSTATE, IDOLATRESS;" and on a tablet in front of the scaffold the following lines were traced, in large characters:—

JEHANNE, QUI SE FAIT NOMMER LA PUCELLE, MEURTERESSE, PERNICIEUSE, ABUSERESSE DE PEUPLE, DEVINERESSE, SUPERSTITIEUSE, BLASPHEMERESSE DE DIEU, MALCREANT DE LA FOI DE JESUS CHRIST, VENTERESSE, IDOLATRE, CRUELLE,

* "She displayed," says Massieu, "great, evident, and clear signs of contrition, penitence, and fervour in the faith, as well by her piteous and devout lamentations, as by invoking the Holy Trinity, the Blessed Virgin, and all the saints."—*Chaussard*, vol. i. page 125.

DISSOLUE, INVOCATRICE DE DIABLES, SCISMATIQUE, ET HERETIQUE.

Many of the crowd, whose feelings forbade them to view the consummation of this cruel spectacle, hurried away from the scene of horror. As soon as the wretched Jeanne was fastened to the stake, the executioner set fire to the faggots. On witnessing the approach of the flames, Jeanne cried out in a loud voice, "JESUS!" brother Martin L'Advenu was so anxiously engaged in preparing the unhappy sufferer to meet her fate with christian resignation, that he did not perceive the fire rapidly gaining on his own person; Jeanne, however, grateful for his charity, watched over his safety, and had still sufficient presence of mind and courage to give him notice of his danger, and request him to withdraw. She then entreated that he would station himself at the foot of the scaffold, and elevate the crucifix of the Lord before her, in order that she might contemplate the same in her dying moments; and also that he would continue his exhortations in a tone of voice sufficiently loud for her to hear him; with all which that ecclesiastic faithfully complied. While he was fulfilling this most pious duty, and preaching to Jeanne on the subject of her salvation, the Bishop of Beauvais and some priests of the church of Rouen approached to view the unfortunate girl. On beholding the prelate near her, Jeanne reminded him that he was the cause of her sufferings and her death; and said, "*Si vous m'eussiez mise dans les prisons de l'église, je ne serois pas ici.*—If you had placed me in the prisons of the church, I should not have been here." She persisted to the very last moment in affirming that she had done nothing but by the command of God, and that she did not believe herself deceived in the voices she had heard. Firm in the protestation of her innocence, and of the iniquity of her judges, casting round a look fraught with the most agonizing expression, she exclaimed: "*Ha, Rouen! j'ai grand peur que tu n'ayes à souffrir de ma mort!*—Ah, Rouen! I am much afraid that thou wilt have to suffer for my death!"

The executioner, however, sought to shorten her agonies by increasing the fierceness of the flames. Enveloped on all sides by smoke and fire, Jeanne never-

theless continued to call upon Almighty God and the male and female saints of Paradise, and with the last parting sigh of life, as her head dropped upon her bosom, she mentioned the name of Jesus.

When the unfortunate girl was no more, the English, fearful lest it might be said she had escaped, commanded the executioner to withdraw the fire a little, that those who assisted might view the body. After this the corpse was again placed in the flames; and in order that no vestige of it might remain, Cardinal Beaufort directed that her bones and ashes should be cast into the river Seine.

Thus perished, through the perfidious machinations of a few designing priests, who had been bought over to the English cause, this most extraordinary young woman, who had rescued the Gallic monarchy from impending destruction, and had levelled so dreadful a blow at the power of Britain, that the armies of the latter, experiencing defeat after defeat, were ultimately compelled entirely to abandon the French territories. Jeanne was executed on the 30th May, 1431, in the twenty-third year of her age, after enduring for a year the most rigid captivity.

EDWARD STAFFORD, DUKE OF BUCKINGHAM,

THE LAST HEREDITARY LORD HIGH CONSTABLE OF ENGLAND, BEHEADED FOR TREASON IN THE 13TH YEAR OF HENRY VIII.

Edward Stafford, Duke of Buckingham, was as nobly descended as any subject in the kingdom, and as highly, for a time, in the favour of his prince, for which there was no small reason, seeing his father Henry, Duke of Buckingham, had lost his life by endeavouring to dethrone King Richard III. and make Henry, Earl of Richmond, afterwards Henry VII. King of England. His fortune was also very large, and his alliances great and powerful, all which could not secure him from the destruction which the malice and revenge of Cardinal Wolsey brought upon him. The first seeds of discontent were sown in 1520, about the time of the intended interview between Henry VIII. and Francis of France: for the cardinal having summoned the chief

nobility to attend the king upon that solemn occasion, some of them, and especially the Duke of Buckingham, complained too freely of the extravagance of the expense, and laid the blame of the whole upon the cardinal, who being of a very vindictive nature, would never forgive; to which, it was said, another adventure also did not a little contribute, which was this: The Duke of Buckingham, according to his place, holding the silver bason for the king to wash his hands, Henry had no sooner done, but the cardinal dipped his hands into the water; but the duke disdaining to hold the bason to a man of so mean an extraction, though then a cardinal, spilt some of the water in his shoes. This the cardinal highly resented, and said, he would sit on his skirts for it; upon which the duke next day appeared at court without any skirts to his doublet, to the amazement of many there, who knew not the meaning of it. But the duke made no secret of it, and seeming to stand in defiance of the cardinal, things were pushed on to greater extremities. Nevertheless, none of those who were to attend the king to the interview, had so rich and splendid an equipage as the Duke of Buckingham; who coming to London in order to attend his majesty on his journey, and finding the king was not ready, he set out before and went to an estate he had in Kent. During his stay, there were grievous complaints made to him against Charles Knevet, who was his steward or surveyor, in those parts, for extortion and other oppressive acts; for which the duke thought fit to discharge him out of his service: and this act of justice laid the main foundation-stone of his ruin, so fatal did their servants prove to the house of Stafford.

The cardinal omitted all this time no proper opportunities to whisper into the king's ears strange surmises of the duke's unfaithfulness and disaffection to his majesty; and coming quickly to understand that Knevet was discarded, he thought him the most proper instrument he could meet with to facilitate the duke's ruin, and therefore he seemed to enter into a confidence with Knevet, who was readily brought to give an account of the duke's life and actions. That he should hear him say, he should manage matters so as to obtain the crown for himself, in case the king died without issue: and that he had had conference upon that head with George Nevil, Lord

Abergavenny, to whom he married his daughter; and that he had also threatened to punish the cardinal for all his ill actions and being his enemy without a cause.

The cardinal having proceeded thus far, went to the king and laid before him the danger he was in from the wicked designs of the Duke of Buckingham, and therefore advised him, without delay, to provide for his own safety. To this accusation, aggravated to the height by the cardinal, the king made answer, "If the duke deserves punishment, let it be inflicted upon him accordingly. The duke hereupon was sent for to come to London, where he was presently taken into custody, and, on the 16th of April, carried to the Tower by Sir Henry Marney, captain of the guards. At the same time they took up a monk, named John de la Car, alias Court, the duke's confessor, and Gilbert Perk, a clergyman, his chancellor.

The duke being in safe custody, inquisition was made in divers counties of the kingdom, of matters to be laid to his charge; and so there was a bill of high-treason found against him by the gentlemen of Surry, for words spoke by him at Blechingly to the Lord Abergavenny, which lord, as also the Lord Mountacute, were sent to the Tower. Moreover, the duke also, to use the words of my author, was, by an inquest of which one Giles Gerrard was foreman, indicted upon several articles of high-treason, at Guildhall, London, before Sir John Brugge, knight, lord-mayor of that city; and the substance of the indictment was:—

"That the said duke, intending to exalt himself, and to usurp the crown and regal dignity, and to deprive the king's majesty of it, that so he might take the same upon himself against his allegiance, had, on the 10th of March, in the second year of the king's reign, and at several other times, both before and after, imagined and compassed the king's death and destruction at London and at Thornbury in the county of Gloucester; and, in order to the accomplishment of his wicked designs and purposes, he sent one of his chaplains, John de Court by name, on the 24th day of April, in the fourth year of the king's reign, to the priory of Henton in the county of Somerset, which is a house of Carthusian monks, the substance of whose message was, to know of one Nicholas Hopkins, a monk of the same house, who was reputed to have the foreknowledge of future things revealed to him, what should happen concerning the matters he had entertained in his imagination, causing the said de la Court first to swear to him, he would never divulge the words to any other person whatsoever

except the duke himself, and that Hopkins, in reply, did declare, that the duke should have all, advising him the better to accomplish his ends to engage the affections of the people to him: that de la Court returned with this answer, which he reported to the duke next morning, being the 25th of April, at Thornbury.

That the duke, on the 22d of July the same year, sent the same de la Court with letters to the same monk, in order to be further informed in that matter. The monk answered again, he should have all: but being now, as well as before, asked, how he knew this to be true; he said by the grace of God; and with this answer de la Court returning to his master, he declared the same to him on the 24th of July at Thornbury. Moreover, that the duke sent de la Court the third time to the same monk, with a letter, the 25th of April, in the fifth year of the king's reign, when he was about his expedition into France, desiring to know what would be the issue of those wars, and whether the King of Scots, during his majesty's absence, would invade the realm or not; that the monk, among other things, in answer to the duke's letter, sent him word, the king should have no issue male.

Again, that the said duke, on the 20th of February, in the sixth year of the king's reign, being at Thornbury, said these words to Ralph, Earl of Westmoreland, "Well, there are two new dukes* created here in England, but if the king should any way miscarry, the Duke of Buckingham would be the next in blood and succession to the crown. That the duke himself, after this, viz. on the 16th of April, in the said sixth year of the king's reign, went to the priory of Henton, and there had a conference with Nicholas Hopkins, the said monk, who told him that he should be king; to which the duke replied, if it should so happen he would act the part of a good and just prince. That the monk told the duke farther, that he knew this by revelation, and advised him by all manner of means to acquire the love of the people, the better to accomplish his designs.

That the duke, at the same time, promised to give every year to the said priory six pounds to buy them a tun of wine; that he promised besides to the same priory twenty pounds in ready money, of which he gave ten in hand, towards conveying water by a conduit to be erected for the use of the house; that he gave at that time to Nicholas Hopkins a reward of three pounds, forty shillings at another time, once a mark, and six and eightpence upon another occasion. That he came after this, viz. on the 20th of March, in the 10th year of the king's reign, to the same priory, and presently had a conference with the same monk about the premises; and that the monk also told him, that he should be king. That the duke said, he had done very well to enjoin John de la Court to an oath of secrecy, for if the king should come to the knowledge of these things, it would be his ruin.

Farther, that the said duke, on the 20th of October, in the seventh year of the king, and at divers times, as well before as

* He meant the Dukes of Norfolk and Suffolk, for there were no other besides himself in the kingdom.

after, had sent his chancellor, Robert Gilbert, to London, there to buy cloaths of gold and silver, and velvet, as much at each time as amounted to three hundred pounds, to the intent that the said duke might confer the same, as well upon knights, esquires, and gentlemen of the king's household, and yeomen of the guard, as upon others of the king's subjects, thereby to engage their affections, in order to the carrying on of his evil designs: which cloaths the said Gilbert bought, and brought the same to the said duke, who, on the 20th of January, in the said seventh year, and on divers other days and years before and after, distributed, and bestowed the same on some of the king's subjects, to the purpose before mentioned, as inserted in the indictment.

Again, that the said duke, on the 10th of July, in the tenth year of his majesty's reign, and at divers other days and times, as well before as after, appointed a greater number of officers, in his castles, honours, lordships, and lands than he was wont to do, to the end they might, under the colour of such offices, be assistant to him in accomplishing his evil purposes. Besides, the said duke, on the 10th of May, in the ninth year of the king's reign, sent to his majesty for leave to retain any of the king's subjects whom he should think fit, who lived within the counties of Hereford, Gloucester, and Somerset, and that he might at his liberty convey several sorts of arms and warlike instruments into Wales, in order to use the same against the king, as the indictment alleged, in order to effect his impious design, which was to destroy the king and usurp the government himself.

Which leave to have retainers, and to convey arms and warlike stores into Wales, the said Gilbert, on the 20th of May, in the ninth year, and on divers other days before and after, both at London and East-Greenwich, earnestly solicited for, and laboured to obtain of the king and council. That the duke, on the 20th of July the same year, sent the said Gilbert to Henton aforesaid, to go to the said monk, Nicholas Hopkins, to see what he could learn farther from him. That the Monk sent him word, there would be an alteration before the next Christmas, and that the duke should have the rule and government of the whole kingdom. And that farther, the said duke, on the 20th of February, in the eleventh year of the king's reign, said at Blechingly, in the county of Surrey, to the said Richard Gilbert his chancellor, that he expected and waited for a more opportune season to put his designs in execution, and that they might easily be effected if the nobility of the land would declare their minds together, but that some of them were diffident and afraid to discover themselves, which marred all.

That he said farther to the said Gilbert, at that time, that whatever the king's father had done was done amiss, and that he found fault with every thing that was transacted in the present reign. That he said also he knew himself to be so great a sinner, that he wanted the favour of God, and that whatever he undertook against the king had but ill success. Again, that the said duke, to alienate the hearts of the king's subjects from their duty and obedience to his majesty and his heirs, being at London on the

20th of April, in the first year of the king's reign, he declared then and there to the said Robert Gilbert, that he had a writing under the great seal of England, containing an act of parliament, wherein it was enacted that the Duke of Somerset, one of the king's ancestors, was made legitimate, and that the said duke intended to have delivered the same to King Henry VII., but said, I had rather have given one thousand pounds than have done it.

That the same duke, on the 4th of November, in the eleventh year of the king's reign, at East Greenwich, in the county of Kent, said to Charles Knevet, Esq. that after the king had reproved the duke for retaining Sir William Balmer in his service, if he had found he must have been committed to the Tower, as he doubted he should, he would have managed his business so, as that his principal agents therein should have had no great reason to rejoice; for he would have played that part which his father intended to put in practice against King Richard III. at Salisbury, who, if his earnest solicitations had so prevailed, that he might have been admitted into the presence of that prince, he would have thrust in him a knife he had about him, as he made a feint of kneeling before him, and that when he spoke these words, he maliciously laid his hand upon his dagger, saying, that if he was so ill used, he swore, by the blood of Christ, he would do his utmost to accomplish his designs.

That over and above all this, the same duke, on the 12th of May, in the twelfth year of the king's reign, at London, in a place called the Rose, within the parish of St. Lawrence Poultney in Canwick Street Ward, asking the said Charles Knevet what the Londoners said concerning the king's voyage beyond sea? and the other answering, that many of them had their doubts and fears about it, lest the French had some ill-designs against him; the duke replied, it was to be feared it would come to pass according to the words of a certain monk; for there is, said he, a Carthusian monk, who has several times sent to me, desiring I would send my chancellor to him; accordingly I sent John de la Court, my chaplain, but he would tell him nothing till he had sworn him to secresy, in respect to every body living except myself only. That then the said monk told de la Court, that neither the king nor his heirs should prosper; that I should endeavour to reconcile the affections of the people to me, for I the same duke and my blood shall prosper and have the government of the kingdom. Then said Knevet, the monk may be misled through diabolical illusions, and that it was wrong to meddle with things of that kind. Well, said the duke, it can do me no hurt. And the indictment insinuated, that the duke seemed to be very well pleased with the monk's words. Farther, that the duke told the said Charles at the same time, that if the king had died in his last sickness, he would have chopt off the head of the Cardinal, Sir Thomas Lovel, and others, adding, that he had rather die for it than be used as he had been.

Lastly, that on the 10th of September, in the eleventh year of this king's reign, the duke being at Blechingly, in the county of Surrey, and walking in the gallery with George Nevil, Lord Abergavenny, he murmured against the privy-council and their

administration, saying unto the said lord, that if the king died, he would have the government of the realm in spite of all opposers, adding withal, that if the said Lord Abergavenny would discover the words he had said, he would fight him and lay his sword over his pate.

How far these particulars of the indictment were proved, and after what manner, says my Lord Herbert, the authors he had met with did not deliver, but he tells us, that he has taken out of our records the following account of the duke himself, after his commitment to the Tower, under his own hand, to Sir Thomas Lovel then constable, which is vastly different in almost all the circumstances of it, from the matters contained in the indictment :—

" That the summer before the King made war in France, Hopkins sent for him, but not being able to go, he commanded one de la Court, his chaplain, to repair thither. Nevertheless, that Hopkins said nought to him; that yet himself went the next Lent, where in shrift [Confession] the said monk told him, that our King should obtain great honour in his expedition to France, and that if the King of Scots came to England then, he should never go home again. And that when he asked Hopkins how he knew this, he said *Ex Deo habeo:* it was revealed to me by God. Hopkins asking afterwards what children the king had had, he told the number, and that Hopkins should say thereupon, 'I pray God his issue continue, for that he feared God was not pleased, because he made no restitution according to his Father's will;' charging the duke farther, to advise the King's council to make restitution. Farther, that he told his chancellor those words, and at his return out of France, came to Hopkins again, and said, He had told him true. Also, that another time he came to Hopkins, together with his son Stafford and the Earl of Westmoreland, and that Hopkins asked who he was, and thereupon should say, 'That some of his blood, or name, should prove great men.' And that, after this, Hopkins should send to the duke to pray him, according to his promise, to help their house, being at Newton, in Somersetshire, to make their conduit; the ten pounds formerly given him being spent." And more than this he confessed not.

The duke being indicted as above, he was soon after arraigned in Westminster Hall, the Duke of Norfolk, by the king's letters patent, being constituted high-steward of England for the day. The other persons who were appointed to sit as peers and Judges upon the said duke were,

The Duke of Suffolk,	The Earl of Devonshire,
The Marquis of Dorset,	The Earl of Essex,

The Earl of Shrewsbury,	The Lord Wylloughby,
The Earl of Kent,	The Lord Brook,
The Earl of Oxford,	The Lord Cobham,
The Earl of Derby,	The Lord Herbert,
The Lord de la War,	The Lord Morley.
The Lord Fitz-waren,	

The court being set, and the noble prisoner brought to the bar upon his arraignment, he pleaded not guilty. The indictment being openly read, he said it was false, untrue, conspired and forged to take away his life: he was a very eloquent person, and alleged many reasons to falsify the indictment; which if we could have found recorded any where, we would have taken care to have had them inserted here. The attorney-general, on the other hand, producing the examinations, confessions, and proofs of witnesses against him, the duke thereupon desired that the witnesses, who were Knevet, Gilbert, de la Court, and Hopkins, might appear: These stood to their depositions; and were delivered as prisoners to the officers of the Tower.

Then said the lord high steward to the noble prisoner at the bar.—"My lord, the king our sovereign lord has commanded that the laws should be faithfully administered, and all justice done to you; wherefore, if you have any thing more to offer in your own justification, you shall be heard." The duke offering to say nothing, he was commanded to withdraw, and was conducted to a house called Paradise near adjoining, while the lords deliberated together; then resuming their places, the question was put by the lord high-steward, whether the Duke of Buckingham was guilty or not guilty of the treasons laid to his charge?

The custom in our days is to begin with the suffrage of the youngest peer, and so onwards to the eldest or first in dignity: but, according to Holingshed, it seems quite contrary in this case; for he says, the Duke of Norfolk first began with the Duke of Suffolk, asking him, what say you of Edward, Duke of Buckingham, concerning the high-treasons; the Duke of Suffolk answered, he is guilty; and so said the Marquis of Dorset, and all the earls and lords. This done, the Duke of Norfolk, with tears in his eyes, pronounced sentence of death upon him in these words: "Sir Edward, you have heard how you have been convicted

of high-treason, to which you have pleaded not guilty, and put yourself upon trial by your peers, who have found you guilty; you shall, therefore, be conveyed to the king's prison, there laid on a hurdle, and so drawn to the place of execution, and there be hanged, cut down alive, your members cut off and thrown into the fire, your bowels burned before your face, your head cut off, and your body quartered and disposed of at the king's pleasure, and the lord have mercy on your soul. Amen."

To this the unhappy duke replied, "My Lord of Norfolk, you have said as a traitor should be spoke to, but I never was one; but, my lords, I do not reproach you for what you have done; may the eternal God forgive you my death, as I do: I'll never sue to the king for my life though he is a gracious prince, and may shew more mercy than I desire. I desire you, my lords, and all my fellow-subjects, to pray for me.

Then the edge of the axe was turned towards the duke, who was conducted into the barge, in order to be carried to the Tower; Sir Thomas Lovel desired him to set on the cushion and carpet provided for him, but he said, "No, for when I went to Westminster I was Duke of Buckingham, but I am now Edward Bohun only, the most caitiff of the world." For it seems he affected that surname before that of Stafford, he being descended from the Bohuns, Earls of Hereford. They landed him at the Temple, where he was received by Sir Nicholas Vawsor and Sir William Sands, banerets, and conveyed through the city, lamented by most of the people, while others cried out, this is the end of a bad life, God forgive him, he was a proud prince; 'tis a pity he behaved himself so undutifully towards the king his liege Lord, whom God preserve.

While he continued in the Tower, all the favour that was shown him, was a message from the king, declaring that his sentence was mitigated so far, that, instead of receiving the death of a traitor, his head should be cut off. Accordingly, on Friday, the 17th of May, Edward, Duke of Buckingham, Earl of Hereford, Stafford, and Northampton, was delivered into the hands of John Keims and John Skevington, sheriffs of London, who conducted him to a scaffold prepared for that pur-

pose on Tower Hill, where having humbly offered up his devotions to the thorne of grace, he desired all the noblemen to take warning by his fall, and all men to pray for him; and he assured them he died the king's loving and true subject.

Thus meekly submitting to the block, the executioner struck off his head, which together with his body being delivered to the Augustin friars, they took care to give him a decent burial.

My Lord Herbert says, that the duke was thought rather criminal through folly and rash expressions, than any intention declared by overt-act against the king's person, and therefore not incapable of his mercy; which also it is thought would not have been denied him, had he sued for it in a proper manner: but since at his arraignment he did, as it were, disclaim his life, he would not obtrude, and therefore caused only a consolatory letter to be written to his duchess and the Lord Stafford his son.

Never was such a complication of remote treasons set together; and there is such a punctuality as to the places, years, and days, as if the design to ruin the duke had been formed from the very beginning of the king's reign, and the date of the cardinal's grandeur. Happy we who live in such days, wherein nothing of all this would signify a straw against the meanest subject in the land; and supposing that the last article, save three in the indictment, was true, and that the duke's drawing his dagger was somewhat of an overt-act, should it not in reason have been discovered sooner? For the words were pretended to be spoken in November, the eleventh year of the king's reign, and the duke was not taken up till the month of April, in the thirteenth of Henry VIII. which with us now would have no manner of weight in it.

The duke's indiscretion, and the cardinal's malice, were the real sources of the brave man's misfortunes. And as the former was lamented by the people, the other was libelled by them, whom they called *Carnificis Filius*, the son of a butcher, (as indeed he was) to which we may add in this place, that the duke's hard fate was not only lamented at home, but also abroad; and when the emperor was told of it, he said, "A butcher's dog has

worried to death the finest buck in England." He was the last hereditary Lord High Constable of England, being descended from Thomas of Woodstock, Duke of Gloucester, sixth son to King Edward III. and was so remote in blood from the crown, that it is a wonder he should, or any body imagine he would, pretend to it.

SIR THOMAS MORE,

PREVIOUSLY LORD-CHANCELLOR, BEHEADED FOR DENYING THE KING'S SUPREMACY, ANN. 1535.

Sir Thomas More was the son of Sir John More, knight, sometime one of the judges of the king's bench; he was born in Milk-street, in the city of London, in the year 1480. He was received into the family of Cardinal Morton, Archbishop of Canterbury, merely on account of the handsomeness of his person, and the promising hopes there were entertained of him from the pregnancy of his wit. The same cardinal was pleased soon after to send him to the university of Oxford. From Oxford he went into an inn in chancery, called New-inn, in London, and from thence he removed to Lincolns-inn, where, easily mastering those studies, he was, at length, called to the bar. He afterwards grew into great favour with King Henry VIII. who indeed highly valued him for his learning, wisdom, experience, and the extraordinary gifts of nature wherewith he was endowed; and that prince conferred these honours and employments successively upon him, viz. the mastership of requests, the honour of knighthood, the treasurership of the exchequer, chancellor of the duchy of Lancaster, the embassage to the Emperor, and to the King of France; and, at length, he being at that very time speaker of the House of Commons, was made lord high chancellor of England, in which last and great office no body ever carried himself with more uprightness and integrity, or with a greater approbation from the generality of the people than he.

But Sir Thomas, on the 20th of May, 1533, having thought fit to deliver up the great seal to the king, at

his manor-house, called York-place, near Westminster, on account of some proceedings he did not approve of, his troubles came on apace. His refusing to attend on Queen Anne Boleyn's coronation was much disliked at court; and his conference and correspondence with Elizabeth Barton, called then "The Holy Maid of Kent," was laid hold of and made the ground-work of his ruin.

A bill being preferred in parliament, Nov. 1534, to attaint Elizabeth Barton, and several others, of high-treason, Bishop Fisher and Sir Thomas More were also brought into it for misprision of treason, for the refusing of the oath of succession.

Sir Thomas was examined by the lord-chancellor, Dukes of Norfolk and Suffolk, the secretary, and others of the privy-council, who pressed him, with all the arguments they could think of, to own the king's supremacy in direct and open terms, or plainly to deny it; but he, being loath to aggravate the king's displeasure, refused to give any decided answer. Those examinations being over, Richard Rich, newly made solicitor-general, and afterwards Lord Rich, with Sir Richard Southwell, and Mr. Palmer, Secretary Cromwell's man, were sent by the king to take away his books. Rich pretending friendship to him, and protesting he had no commission to talk with him about the former affair of the supremacy, he put a case to him thus: if it were enacted by parliament that Richard Rich should be king, and that it should be treason in any body to deny it, what offence it were to contravene that act? Sir Thomas More answered, that he should offend if he said so, because he was bound by the act; but that this was *casus levis*. Whereupon Sir Thomas said he would propose a higher case: "Suppose it were enacted by parliament, *Quod Deus, non sit Deus*, and that it were treason to contravene, whether it were not an offence to say it according to the said act?" Rich replied, "Yea," but said withal, "I will propose a middle case, because this is too high: the king, you know, is constituted supreme head of the church upon earth, why should not you, Master More, accept him for such? as you would me, if I were made king by the aforesaid supposition." More answered, "The case was not the same, because," said he, "a parliament can

make a king, and depose him; and that every parliament-man may give his consent thereunto, but that a subject cannot be bound so in the case of supremacy, *Quia consensum ab eo ad parliamentum præbere non potest, et quanquam Rex sic acceptus sit in* Anglia, *plurimæ tamen partes exteræ idem non affirmant.*"

Sir Thomas having continued a prisoner in the Tower somewhat more than a twelvemonth, for he was committed about the middle of April, 1534, and was brought to his trial on the 7th of May, 1535; he went into the court leaning on his staff, because he was much weakened by his imprisonment, but appeared with a cheerful and composed countenance. The persons constituted to try him, were,

Sir Thomas Audley, Lord-Chancellor,	Sir Richard Leicester,
Sir John Fitz-James, Lord-Chief-Justice,	Sir John Port,
Sir John Baldwin,	Sir John Spelman,
	Sir Walter Luke,
	Sir Anthony Fitz-Herbert.

The indictment was very long, but where to procure a copy of it we could never learn; it is said in general to have contained all the crimes that could be laid to the charge of any notorious malefactor; and Sir Thomas professed it was so long that he could scarce remember the third part of what was objected therein against him. It was read aloud by the attorney-general; and Sir Thomas's mortal sin seemed plainly to be his refusing the oath of succession, already mentioned.

To prove this, his double examination in the Tower was alleged against him, the first before Secretary Cromwell, Thomas Beade, John Tregonnel, &c. to whom he professed he had given over all thoughts of titles either to popes or princes, though the whole world should be given him, he being fully determined only to serve God. The second time, before the Lord Chancellor, the Duke of Suffolk, Earl of Wiltshire, and others, before whom he compared that oath to a two-edged sword.

Presently after the indictment was read, the Lord Chancellor, and the Duke of Norfolk, who it seems was one of the commissioners, though his name is not in the list above, spoke to him to this effect: "You see

now how grievously you have offended his majesty; yet he is so very merciful, that if you will lay aside your obstinacy, and change your opinion, we hope you may obtain pardon and favour in his sight." But Sir Thomas stoutly replied, "Most noble lords, I have great reason to return thanks to your honours, for this your great civility, but I beseech Almighty God, that I may continue in the mind I am in through his grace unto death."

Then having intimation given that he might say what he thought fit in his own defence, he began thus:

"When I consider the length of my accusation, and what heinous matters are laid to my charge, I am struck with fear, lest my memory and understanding, which are both impaired, together with my bodily health, through a long indisposition, contracted by my imprisonment, should now fail me so far, as to make me incapable of making such ready answers in my defence as otherwise I might have done."

The court, being sensible of his weakness, ordered a chair to be brought in, wherein he was told he might seat himself, which he did accordingly, and then went on thus:—

"This my indictment, if I mistake not, consists of four principal heads, each of which I purpose, God willing, to answer in order. As to the first crime objected against me, that I have been an enemy out of stubbornness of mind to the king's second marriage, I confess I always told his majesty my opinion of it, according to the dictates of my conscience, which I neither ever would, nor ought to have concealed; for which I am so far from thinking myself guilty of high-treason, that, on the contrary, being required to give my opinion by so great a prince in an affair of so much importance, upon which the peace of the kingdom depended; I should have basely flattered him, and my own conscience, had not I spoke the truth as I thought: then, indeed, I might justly have been esteemed a most wicked subject, and a perfidious traitor to God. If I have offended the king herein; if it can be an offence to tell one's mind freely, when his sovereign puts the question to him; I suppose I have been sufficiently punished already for the fault, by the great afflictions I have endured, by the loss of my estate, and my tedious imprisonment which has continued already near fifteen months.

"The second charge against me, is, that I have violated the act made in the last parliament, that is, being a prisoner, and twice examined, I would not, out of a malignant, perfidious, obstinate, and traitorous mind, tell them my opinion, whether the king was supreme head of the church or not, but confessed then, that I had nothing to do with that act, as to the justice

or injustice of it, because I had no benefice in the church; yet I then protested, that I had never said nor done any thing against it; neither can any one word or action of mine be alleged, or produced, to make me culpable. Nay, this I own was then my answer to their honours, that I would think of nothing else hereafter, but of the bitter passions of our blessed Saviour, and of my exit out of this miserable world. I wish nobody any harm, and if this does not keep me alive, I desire not to live. By all which I know, I would not transgress any law, or become guilty of any treasonable crime; for this statute, nor no other law in the world, can punish any man for his silence, seeing they can do no more than punish words or deeds; 'tis God only that is the judge of the secrets of our hearts."

Attorney. "Sir Thomas, though we have not one word or deed of yours to object against you, yet we have your silence, which is an evident sign of the malice of your heart, because no dutiful subject, being lawfully asked this question, will refuse to answer it."

Sir Thomas More. "Sir, my silence is no sign of any malice in my heart, which the king himself must own by my conduct upon divers occasions, neither doth it convince any man of the breach of the law: for it is a maxim amongst the civilians and canonists, *Qui tacet consentire videtur;* he that holds his peace seems to give his consent: and as to what you say, that no good subject will refuse to give a direct answer; I do really think it to be the duty of every good subject, except he be such a subject as will be a bad christian, rather to obey God than man; to be more cautious to offend his conscience, than of any thing else in the whole world; especially if his conscience be not the occasion of some sedition and great injury to his prince and country; for I do here sincerely protest, that I never revealed it to any man alive.

"I come now to the third principal article in my indictment, by which I am accused of malicious attempts, traitorous endeavours, and perfidious practices against that statute, as the words therein do allege, because I wrote, while in the Tower, divers packets of letters to Bishop Fisher, whereby I exhorted him to violate the same law, and encouraged him in the like obstinacy. I do insist that these letters be produced and read in court, by which I may be either acquitted or convinced of a lie; but because you say the bishop burnt them all, I will here tell you the whole truth of the matter: some of my letters related only to our private affairs, as about our old friendship and acquaintance: one of them was in answer to his, wherein he desired me to let him know what answers I made upon my examinations concerning the oath of supremacy, and what I wrote to him upon it was this, that I had already settled my conscience, and let him satisfy his according to his own mind. God is my witness, and as I hope he will save my soul, I gave him no other answer; and this I presume is no breach of the laws.

"As to the principal crime objected against me, that I should say upon my examination in the Tower, that this law was like

two-edged sword; for, in consenting to it, I should endanger my soul, and in rejecting it should lose my life. It is evidently concluded, as you say, from this answer, because Bishop Fisher made the like, that he was in the same conspiracy. To this I reply, that my answer there was conditional; if there were both danger either in allowing or disallowing that act, and therefore, like a two-edged sword, it seemed a hard thing it should be put upon me, who had never hitherto contradicted it either in word or deed; these were my words. What the bishop answered I know not; if his answer was like mine, it did not proceed from any conspiracy of ours, but from the similitude of our learning and understanding. To conclude, I do sincerely avouch, that I never spoke a word against this law to any man living, though perhaps the king's majesty has been told to the contrary."

There was little or no reply made to this full answer by Mr. Attorney, or any body else; the word malice was what was principally insisted on, and in the mouths of the whole court, though for proof of it nobody could produce either words or actions; nevertheless, to set the best gloss that could be upon the matter, Mr. Rich was called to give evidence, in open court, upon oath, which he immediately did, affirming what we have already related, concerning a conference between him and Sir Thomas in the Tower; to which Sir Thomas made answer,—"If I were a man, my lords, that had no regard to my oath, I had had no occasion to be here at this time, as is well known to every body, as a criminal; and if this oath, Mr. Rich, which you have taken be true, then I pray I may never see God's face, which were it otherwise, is an imprecation I would not be guilty of to gain the whole world."

More having recited, in the face of the court, all the discourse they had together in the Tower, as it truly and sincerely was, he added:—

"In good faith, Mr. Rich, I am more concerned for your perjury than my own danger; and I must tell you, that neither myself, nor any body else to my knowledge, ever took you to be a man of such reputation, that I, or any other, would have any thing to do with you in any matter of importance. You know that I have been acquainted with your manner of life and conversation a long time, even from your youth to the present juncture, for we lived in the same parish; and you very well know, (I am sorry I am forced to speak it), you always lay under the odium of a very lying tongue, of a great gamester, and of no good name and character, either there or in the Temple, where you was educated. Can it, therefore, seem likely to your lordships, that I should, in so weighty an affair as this, act so unadvisedly as to trust Mr. Rich, a man I had always so mean an opinion of, in reference to his truth and honesty, so very much before my sovereign lord the king, to whom I am so deeply indebted for his manifold favours, or any of his noble and grave counsellors, that

I should only impart to Mr. Rich the secrets of my conscience, in respect to the king's supremacy, the particular subject, and only point about which I have been so long pressed to explain myself; which I never did, nor never would reveal, when the act was once made, either to the king himself, or any of his privy-councillors, as is well known to your honours, who have been sent upon no other account, at several times, by his majesty, to me in the Tower. I refer it to your judgments, my lords, whether this can seem credible to any of your lordships?

"But, supposing what Mr. Rich has sworn should be true, seeing the words were spoke in familiar and private conversation, and that there was nothing at all asserted, but only cases put without any offensive circumstances; it cannot in justice be said that they were spoke maliciously, and where there is no malice, there is no offence: besides, my lords, I cannot think so many reverend bishops, so many honourable personages, and so many virtuous and learned men, of whom the parliament consisted in the enacting of that law, ever meant to have any man punished with death, in whom no malice could be found: taking the word *malitia* for *malevolentia;* for if *malitia* be taken in a general signification for any crime, there is no man can be free: wherefore, this word maliciously, is so far significant in this statute, as the word forcible is in that of forcible entry; for, in that case, if any enter peaceably, and puts his adversary out forcibly, it is no offence; but if he enters forcibly, he shall be punished by that statute.

"Besides, all the unspeakable goodness of his majesty towards me, who has been so many ways my singular good lord, and graciously he, I say, who has so dearly loved and trusted me, even from my first entrance into his royal service, vouchsafing to honour me with the dignity of being one of his privy-council, and has most generously promoted me to offices of great reputation and honour, and, lastly, to that of lord-high-chancellor; which honour he never did to any layman before, the same being the highest dignity in this famous kingdom, and next to the king's royal person, so far beyond my merits and qualifications; honouring and exalting me, by his incomparable benignity, for these twenty years and upwards, heaping continual favours upon me, and now, at last, at my own humble request, giving me liberty to dedicate the remainder of my life to the service of God, for the better saving of my soul, has been pleased to discharge and free me from that weighty dignity; before which, he had still heaped more and more honours upon me: I say all this, his majesty's bounty, so long and so plentifully conferred upon me, is enough, in my opinion, to invalidate the scandalous accusation so injuriously surmised and urged by this man against me."

This touched the reputation of Mr. Rich to the very quick, and was a slur that could not be effaced, without the utmost difficulty; and the only way to do it was, if

possible, to produce substantial and credible witnesses to attest the contrary; and, therefore, he caused Sir Richard Southwell, and Mr. Palmer, who were in the same room with Sir Thomas and Mr. Rich, when they conferred together, to be sworn as to the words that passed between them: whereupon Mr. Palmer deposed, "That he was so busy in thrusting Sir Thomas's books into a sack, that he took no notice of their talk." And Sir R. Southwell likewise swore, that because his business was only to take care of conveying his books away, he gave no ear to their discourse.

Sir Thomas having urged other reasons in his own defence, to the discrediting of Mr. Rich's evidence, the judge proceeded to give the charge to the jury. Whether Sir Thomas had challenged any of the pannel, when they were returned to serve, does not appear; but the twelve persons on whose verdict his life now depended, were these,

Sir Thomas Palmer, Knight,	Jasper Leake, Gent.
Sir Thomas Peirt, Knight,	William Browne, Gent.
George Lovell, Esq.	Thomas Billington, Gent.
Thomas Burbage, Esq.	John Parnel, Gent.
Geoffrey Chamber, Gent.	Richard Bellame, Gent.
Edward Stockmore, Gent.	George Stoakes, Gent.

The jury having withdrawn, were scarcely out a quarter of an hour before they returned with their verdict, by which they found the prisoner *guilty*; upon which the Lord Chancellor, as chief in the commission for this trial, immediately began to proceed to judgment; which Sir Thomas observing, he said to him, "My lord, when I was concerned in the law, the practice in such cases was to ask the prisoner, before sentence, whether he had any thing to offer why judgment should not be pronounced against him." The Lord Chancellor hereupon stopping his sentence, wherein he had already proceeded in part, asked Sir Thomas, what he was able to say to the contrary? who presently made answer in these words: "For as much as, my lords, this indictment is grounded upon an act of parliament, directly repugnant to the laws of God, and his holy church, the supreme government of which, or of any part thereof, no temporal person may by any law presume to take upon him

that which of right belongs to the see of Rome, which by special prerogative was granted by the mouth of our Saviour Christ himself to St. Peter, and the bishops of Rome, his successors only, whilst he lived, and was personally present here on earth: it is, therefore, amongst Catholic christians, insufficient in law, to charge any christian to obey it." And, in order to the proof of his assertion, he declared, among some other things, "That whereas this kingdom alone being but one member, and a small part of the church, was not to make a particular law, disagreeing with the general law of Christ's universal Catholic church; no more than the city of London, being but one member, in respect to the whole kingdom, might enact a law against an act of parliament, to be binding to the whole realm." So he shewed farther, "That law was even contrary to the laws and statutes of the kingdom yet unrepealed, as might evidently be seen by Magna Charta, wherein are these words, '*Ecclesia Anglicana libera sit, et habet omnia jura integra, et libertates suas illæsas.*' And it is contrary also to that sacred oath which the King's majesty himself, and all other Christian princes, always take with great solemnity, at their coronations."

So great was Sir Thomas's zeal, that he further alleged, "that it was worse in the kingdom of England to refuse obedience to the See of Rome, than for any child to do to his natural parent; for, as St. Paul said to the Corinthians, 'I have regenerated you, my children, in Christ;' so might that worthy Pope of Rome, St. Gregory the Great, say of us Englishmen, ye are my children, because I have given you everlasting salvation; for, by St. Augustin and his followers, his immediate messengers, England first received the Christian faith, which is a far higher and better inheritance than any carnal father can leave to his children; for a son is only by generation, we are by re-generation made the spiritual children of Christ and the Pope."

Here the lord-chancellor took him up, and said; "That seeing all the bishops, universities, and the most learned men in the kingdom had agreed to that act, it was much wondered that he alone should so stiffly stickle, and so vehemently argue there against it."

His answer was, "That if the number of bishops and universities were so material as his lordship seemed to make it, then, my lord, I see no reason why that thing should make any change in my conscience; for I doubt not, but of the learned and virtuous men now alive, I do not speak only of this realm, but of all Christendom, there are ten to one of my mind in this matter; but if I should take notice of those learned doctors, and virtuous fathers, that are already dead, many of whom are saints in Heaven, I am sure there are far more who, all the while they lived, thought, in this case, as I do now. And therefore, my lord, I do not think myself bound to conform my conscience to the counsel of one kingdom against the general consent of all Christendom."

Here, it seems, the lord-chancellor, not willing to take the whole load of this condemnation upon himself, asked in open court the advice of Sir John Fitz-James, the lord-chief-justice of England, whether the indictment was valid or no? who wisely answered thus: "My lords, all, by St. Gilliam, (for that was always his oath) I must needs confess, that if the act of parliament be not unlawful, then the indictment is not, in my conscience, invalid." Some have wrote, that the lord-chancellor should hereupon say, "*Quid adhuc desideramus testimonium, reus est mortis,*" and then presently proceeded to give sentence to this effect:

"That he should be carried back to the Tower of London, by the help of William Kingston, sheriff, and from thence drawn on a hurdle through the city of London to Tyburn, there to be hanged till he should be half dead, that then he should be cut down alive, his privy parts cut off, his belly ripped, his bowels burnt, his four quarters set up over four gates of the city, and his head upon London-bridge."

This was the judgment pronounced upon this great man, who had deserved so well both of the king and kingdom, and for which Paulus Jovius calls King Henry VIII. another Phalaris.

This severe sentence was afterwards, by the king's pardon, changed to beheading; because he had borne the greatest office in the kingdom; of which mercy of the king's, word being brought to Sir Thomas, he mer-

rily said, "God forbid the king should use any more such mercy to any of my friends, and God bless all my posterity from such pardons."

When he had received sentence of death, he spoke thus with a resolute and sedate aspect: "Well, seeing I am condemned, God knows how justly, I will freely speak, for the disburthening my conscience, what I think of this law. When I perceived it was the king's pleasure to sift out from whence the pope's authority was derived, I confess I studied seven years together to find out the truth of it, and I could not meet with the works of any one doctor, approved by the church, that avouch that a layman was, or ever could be the head of the church.

Chancellor. "Would you be esteemed wiser, or to have a sincerer conscience, than all the bishops, learned doctors, nobility and commons, of this realm?"

More. "I am able to produce against any one bishop which you can produce on your side, a hundred holy and Catholic bishops, for my opinion; and against one realm, the consent of Christendom for 1000 years."

Norfolk. "Sir Thomas, you shew your obstinate and malicious mind."

More. "Noble sir, it's no malice, or obstinacy, that makes me say this; but the just necessity of the cause obliges me to it, for the discharge of my conscience; and I call God to witness, that nothing but this has excited me to it."

After this, the judges kindly offering him their favourable audience, if he had any thing else to say; he answered most mildly and charitably, "I have no more to say, but that as the blessed apostle St. Paul, as we read in the Acts of the Apostles, was present at the death of the protomartyr Stephen, and held the cloaths of them that stoned him to death, and yet nevertheless they are both now holy saints in Heaven, and there will continue friends to eternity: so I verily trust, and shall therefore heartily pray, that albeit your lordships have been on earth my judges to condemnation, yet that we may hereafter meet joyfully together in Heaven, to our everlasting salvation, and God preserve you, especially my sovereign Lord the King, and grant him faithful counsellors."

Sir Thomas, after his condemnation, was conducted from the bar to the Tower, an axe being carried before him, with the edge towards him, being led by Sir William Kingston, the constable, and his very good friend, at which time his eldest son threw himself at his feet, humbly craving his blessing, not without tears in his eyes; he blessed and tenderly kissed him, and it appeared by a letter of Sir Thomas's, that this, his behaviour, pleased him extremely. When Sir William had brought him as far as the Old Swan, he there took his leave of him with a sorrowful heart, and tears trickling down his cheeks; but Sir Thomas cheered him up with kind expressions, saying, "Good Sir William, do not grieve, but be cheerful; for I will pray for you, and my good lady your wife, that we may meet in Heaven, where we shall rejoice for ever and ever."

Being come to Tower-wharf, his daughter Roper, being afraid she should never see him, without any regard to danger, thrust herself through the armed men to come at him, fell upon his neck and kissed him; being not able to utter any other words than "Oh! my father. Oh! my father."

This, and other heroical acts of his, made Cardinal Pool write of him thus: "Strangers, and men of other nations, that never had seen him in their lives, were so much grieved when they heard of his death, and read an account of it, that they could not refrain from tears, bewailing an unknown person, only famous unto them for his worthy acts: yea," continued he, "I cannot refrain weeping as I write, though I am remote from my native country: I loved him dearly, who had not so many urgent causes of his love as many others had, only on the account of his virtues and worthy actions, for which he was a most necessary member of his country: and now, God is my witness, I shed for him, whether I will or not, so many tears that they hinder me to write, so that I can proceed no farther."

While he continued in the Tower, a courtier came to him, asking him, again and again, to change his mind. Being wearied with his importunity, he told him he had; the gentleman, pleased with the imaginary success, presently went and acquainted the king with it, who commanding him to go and inform himself wherein he had changed his mind: Sir Thomas blamed him

for his levity, that he would go and tell the king every thing he said in jest; for his meaning was, that whereas he had designed to be shaved, that he might appear to others in the same manner as usual, he was now fully resolved his beard should run the same fate as his head, which put the youth into much confusion, and made the king very angry.

Having continued a prisoner after sentence for about a week, there came to him on Tuesday, early in the morning, the 6th of July, Sir Thomas Pope, his singular good friend, with a message from the king and council, to let him know he was that day to suffer death, before nine o'clock, and therefore he ought forthwith to prepare himself for it. "Sir Thomas Pope," said he, "I most heartily thank you for your good news: I have been much obliged to the king's majesty for the benefits and honours he has most bountifully conferred upon me; yet I am more bound to his grace, I do assure you, for confining me in this place, where I have had convenient place and opportunity to be put in mind of my last end; and so help me God. I am most of all bound to him, that it has pleased his majesty to remove me from the miseries of this wretched world." —"The king's pleasure further is," said Sir Thomas Pope, "that you do not use many words at the place of execution."—"Mr. Pope," answered he, "you do well to acquaint me with the king's pleasure, for I had otherwise designed to have made a speech to the people: but it matters not, and I am ready to conform myself to his highness's pleasure; and I beseech you, good Mr. Pope, be a suitor to his majesty, that my daughter Margaret may have leave to attend my funeral."—"The king," replied he, "is willing, already, that your wife, children, and other friends, should have liberty to be present at it."—"Oh! how much am I beholden to his majesty, who vouchsafes to have so much regard for my poor burial." Then Sir Thomas Pope, taking his leave of him, could not refrain from shedding tears, which the other observing, said, "Be easy, Mr. Pope, and let not your spirits be cast down, for I hope we shall see one another in another and better place, where we shall be free to live and love in eternal bliss."

Sir Thomas Pope being gone, the other prepared himself for death; put on his best clothes, viz. his silk camlet gown, which was a present to him from Antonio Bonavista, a noble citizen of Lucca, since his confinement. The lieutenant observing this, advised him to put them off again, saying, "He that is to have them is but a Javill."*—"What, Mr. Lieutenant," said Sir Thomas, "shall I account him a Javill, who will this day do me so singular a service? nay, I do assure you, were it cloth of gold, I should think it well bestowed upon him; for St. Cyprian, the famous bishop of Carthage, gave his executioner thirty pieces of gold, because he knew he should be a means to procure him unspeakable happiness:" nevertheless, the lieutenant pressing still the matter to him, he, for the esteem he had for him, thought fit to put off that fine gown, and to put on a frieze one, yet he sent out of the small remains he had of money, a gold angel to the hangman, as a sign he had no prejudice to him, but that rather he had an esteem for him.

About nine o'clock the lieutenant conducted him out of the Tower; his beard was long, contrary to his usual fashion; his face pale and thin, carrying a red cross in his hand, and often lifting up his eyes to Heaven. Passing forwards, a good woman came out of her house and offered him a cup of wine, which he accepted not, saying, "Christ at his passion drank no wine, but gall and vinegar." But another woman came crying to him, and demanded some papers she had put into his hands when he was lord chancellor; but he answered her, "Good woman, have patience but for an hour, and by that time the king will rid me of the care I have for those papers, and every thing else." Another woman, hired, as some thought, by his enemies to disgrace him, followed him also, and cried out, he had done her much wrong when he was lord chancellor; to which he made answer, that he very well remembered her cause, and that if he were then to decide it, he would make the same decree as before.

Being brought to the scaffold, he seemed to be so

* A rascally fellow.

weak, that he was ready to fall, wherefore he spoke cheerfully to the lieutenant, "I pray, Sir, see me safe up, and as for my coming down let me shift for myself." Having ascended, and beginning to speak to the people, who were there in great multitudes to see the execution, he was interrupted by the sheriff; and therefore, in a few words, he desired the people to pray for him, and to bear witness that he there died in the faith of the holy Catholic church; a faithful servant both to God and the king. Then kneeling, he pronounced the miserere-psalm with much devotion; then cheerfully getting up, and the executioner asking him forgiveness, he kissed him, saying, "Thou wilt do me this day a greater kindness than ever any mortal can do; take courage, man, and be not afraid to do thy duty; my neck is very short, therefore take heed you do not strike awry, for your reputation sake." When the executioner would have covered his eyes, he said, "I will cover them myself," and presently did so with a napkin he had brought with him for that purpose: then, laying his head upon the block, he bid the executioner stop till he had put his beard out of the way, saying, that that had never committed any treason.

He received the fatal blow with much resolution and constancy. Immediately the news was brought to the king, then playing at tables, and Queen Anne looking on; some affirm he cast his eyes upon her, and said, "Thou art the cause of this man's death;" and that, presently leaving off play, he retired into his chamber and was very melancholy.

The head of Sir Thomas More was put upon London-bridge, and his body buried at St. Peter's chapel, within the Tower, in the belfry; but according to others, at the entrance into the vestry near the corpse of Bishop Fisher: but it continued there not long; it was, by his daughter, removed to the church of Chelsey, and there deposited on the South side of the choir or chancel; over it was a large epitaph, made by himself after he had given up his chancellorship, which is printed in several books, and by several authors. His head having continued for some months upon the bridge, it was to be thrown into the Thames to make room for others; but his daughter Margaret bought it, "Lest," as she cou-

rageously said before the council, when called before them about it, "it should be food for fishes:" she deposited it in a leaden box, and kept it for a relic.

Sir Thomas More was low of stature, well proportioned, his complexion inclining to be phlegmatic, his colour white and pale, his hair neither black nor yellow, but between both; his eyes grey, his countenance amiable and cheerful, his voice neither big nor shrill, but speaking plainly and distinctly: it was not very tunable, though he delighted much in music; his body pretty healthful, saying that towards the latter part of his life, being used to write much, he often complained of the stomach-ache: he drank much water in his youth, he only tasted wine when he pledged others: he loved salt meats, especially powdered beef, milk, cheese, eggs, and fruits, and usually ate coarse brown bread, which perhaps he did more for mortification, than any liking he had to it.

QUEEN ANNE BOLEYN,

SECOND WIFE TO HENRY VIII., TRIED AND BEHEADED FOR ADULTERY.

King Henry VIII. having obained a divorce from his first wife, Queen Catherine of Spain, married the Lady Anne Boleyn, daughter of Sir Thomas Boleyn, whom he made Earl of Wiltshire, after he had first created her Countess of Pembroke. The marriage was celebrated on the 14th of November, 1532. She first bore him a daughter, named Elizabeth, who in process of time became Queen of England, and in January, 1535, brought him a son still-born. This is thought to have made an ill impression upon the king; and that as he concluded, from the death of his son by his former queen, that the marriage was displeasing to God, so he might upon this misfortune begin to make the like judgment of this marriage.

It is very certain the popish party were earnestly bent against the queen; they looked upon her as the great supporter of heresy; and more particularly the Duke of Norfolk at court, and Gardiner, ambassador in France,

thought a way might easily be found out to reconcile the king with the emperor and the pope, if the queen was once got out of the way; for then he might freely marry whom he pleased, and that marriage with the male issue from it could not be disputed; whereas, as long as the queen lived, her marriage, as being judged null from the beginning, could never be allowed by the court of Rome, or any of that party.

The queen had been his wife three years, but at this time he entertained a secret affection for the Lady Jane Seymour, who had all the charms both of beauty and youth in her person, and her humour was tempered between the severe gravity of Queen Catherine, and the pleasant gaiety of Queen Anne. The queen perceiving the alienation of the king's heart from her, used all her arts to recover it, though without success.

She was naturally of a very cheerful temper, which was not always kept within the bounds of exact decency and discretion: She had rallied some of the king's servants more than became her. The Lord Rochford, her brother, was her friend as well as her relation. But his wife was jealous of him, and being a woman of an ill life, she carried many stories to the king, or some that were about him, in order to persuade him that there was a familiarity between the queen and her brother, beyond what so near a relation could justify. All that could be said for it was only this, that he was once seen leaning upon her bed, which bred great suspicion. Henry Norris, who was groom of the stole, Weston and Brereton, who were gentlemen of the king's privy-chamber, and one Mark Smeton, a physician, were all observed to have a great share of her favour; and their zeal in serving her was thought too warm and diligent to flow from a less active principle than love. Many circumstances were related to the king, which working upon his aversion to the queen, together with his affection to Lady Jane Seymour, made him conclude her guilty. It was thought that something he himself had observed or fancied at a tilting at Greenwich, gave the crisis of her ruin. It is said, that he saw her offer her handkerchief to one of her gallants to wipe his face, being hot after a course. Whether she dropt it care-

lessly or designedly, or whether there is any truth in the story, none of the several letters which were written by those about her concerning her fall; and which are still extant in manuscript, inform us.

The queen was presently confined to her chamber, and Lord Rochford with the other four persons above mentioned were seized; but none of them would confess, with the exception of Mark Smeton, as to any actual thing, according to Cromwell's letters in the Cotinian library; upon this, they were conveyed to the Tower.

The poor queen was in a most deplorable condition, being not only thus unhappily fallen under the king's displeasure, but also defamed and in great danger of being destroyed at once. She smiled and seemed cheerful at first, saying, she believed the king did this only to try her; but when she found he was in earnest, she desired to have the sacrament in her closet, shewed great devotion, and seemed to be prepared for death. The surprise and confusion brought fits of the mother upon her, which her attendants did not seem to understand; but three or four letters wrote about her to court, imported that she was sometimes very devout and cried much, and then on a sudden would burst out into a laughter, which were evident signs of the vapours. When she heard that those who were accused with her were sent to the Tower, she then concluded she was undone, and said she should be sent thither herself next, and talked idly, saying, If her bishops were about the king, they would speak in her behalf. She also said, that she would be a saint in heaven; for she had done many good deeds, and that there should be no rain, but heavy judgment on the nation, for what they were now doing to her.

Her enemies had gone too far to look back, and therefore she was the next day sent to the Tower by water; and some lords that met her on the river, declared to her what her crimes were. These noblemen were Sir Thomas Audley, lord chancellor, Thomas Duke of Norfolk, and Secretary Cromwell. She made deep protestations of her innocence to them, and begged leave but to see the king, which was not granted her.

ANNE BOLEYN.

Engraved by Neale & Storkley 352 Strand.

When she was brought within the Tower, she fell down upon her knees, and prayed God to help her, as she was not guilty of the thing for which she was accused. The same day the king wrote to Archbishop Cranmer, her friend, to come to Lambeth; but ordered him also not to appear at court, which was procured by the queen's enemies, who took care that nobody, who had any interest with the king, should approach his person, till they had fully and effectually possessed him of her guilt. Her uncle's lady, the Lady Boleyn, was appointed to lie with her in her chamber, with whom, we know not for what reason, she was at ill terms, and therefore took it very angrily. Whatever she said was presently conveyed to court, and a woman so full of vapours was likely to tell every thing that was true, with a great deal more; for persons in that condition, not only have no command of themselves, but are also apt to say any thing that comes into their heads.

The Duke of Norfolk, and some others of the privy-council, went and examined her in the Tower; but were able to get nothing out of her, though they made her believe that Norris and Mark had accused her. Now it was that she wrote the following letter to the king; at which time her spirits must be certainly much exalted, it being a pitch above her ordinary style, whatever weaknesses she afterwards betrayed. It was found amongst Cromwell's papers, and therefore it is concluded to be genuine.

"Your graces displeasure, and my imprisonment, are things so strange unto me as what to write, or what to excuse, I am altogether ignorant; whereas you send unto me (willing me to confess a truth, and to obtain your favour) by such an one, whom you know to be mine ancient professed enemy; I no sooner received this message by him, than I rightly conceived your meaning; and if, as you say, confessing a truth indeed may procure my safety, I shall with all willingness and duty perform your command.

"But let not your grace ever imagine, that your poor wife will ever be brought to acknowledge a fault, where not so much as a thought thereof preceded: and to speak the truth, never prince had a wife more loyal in all duty, and in all true affection, than you have ever found Anne Boleyn, with which name and place I could willingly have contented myself, if God and your grace's pleasure had been so pleased. Neither did I at any time so far forget

myself in my exaltation, or received queenship, but that I always looked for such an alteration as now I find. For the ground of my preferment being on no surer foundation than your grace's fancy, the least alteration I knew was fit and sufficient to draw that fancy to some other subject. You have chosen me, from a low estate, to be your queen and companion, far beyond my desert or desire; if then you found me worthy of past honour, good your grace, let not any light favour, or bad counsel of mine enemies, withdraw your princely favour from me; neither let that stain, that unworthy stain of a disloyal heart, towards your good grace, ever cast so foul a blot on your most dutiful wife, and the infant princess your daughter; try me, good king, but let me have a lawful trial, and let not my sworn enemies sit as my accusers and judges: yea, let me receive an open trial, for my truth shall fear no open shame: then shall you see either mine innocency cleared, your suspicion and conscience satisfied, the ignominy and slander of the world stopt, or my guilt openly declared; so that whatsoever God or you may determine of me, your grace may be free from an open censure; and mine offence being so lawfully proved, your grace is at liberty, both before God and man, not only to execute most worthy punishment on me, as an unlawful wife, but to follow your affection already settled, on that party, for whose sake I am now as I am; whose name I could some good while since have pointed unto your grace, being not ignorant of my suspicion therein.

"But if you have already determined of me, and that not only my death but an injurious slander, must bring you the enjoying of your desired happiness, then I desire of God, that he will pardon your great sin therein, and likewise mine enemies, the instruments thereof; and that he will not call upon you to a strict account for your unprincely and cruel usage of me, at his general judgment-seat, where both you and myself must shortly appear, and in whose judgment, I doubt not, (whatsoever the world may think of me) my innocence shall be openly known, and sufficiently cleared.

"My last and only request shall be, that myself may only bear the burden of your grace's displeasure, and that it may not touch the innocent souls of those poor gentlemen, who, as I understand, are likewise in straight imprisonment for my sake. If ever I have found favour in your sight; if ever the name of Anne Boleyn hath been pleasing in your ears, then let me obtain this request, and I will forbear to trouble your grace any further; with mine earnest prayers to the trinity to have your grace in their good keeping, and to direct you in all your actions, I remain,

From my doleful prison, in the Tower, this 6th of May.

Your most loyal and ever faithful wife,
ANNE BOLEYN."

Some time after the lords were gone, she fell down upon her knees and wept, praying often, "Jesu, have mercy on me," and then fell a laughing. When that

fit was over, she desired to have the sacrament still by her, that she might cry for mercy; and she said to the lieutenant of the Tower, that she was as clear as to the company of all men as to sin, as she was from him, and that she was the king's true wedded wife. She cried out, O Norris, hast thou accused me? Thou art in the Tower with me, and thou and I shall die together; and, Mark, so shalt thou too.

Then she expressed her apprehensions that she was to be put into a dungeon, and dreadfully lamented her own and her mother's misfortune; asking, whether she must die without justice: but being answered, the poorest subject had justice, much more would she. The same account says, that Norris had not accused her, and that he told her Almoner, he could swear for her she was a good woman: but she being made to believe that he had accused her, and not being then so free in her thoughts, as to consider that ordinary artifice of drawing out confessions, told all she knew both of him and Mark; which, though it was not sufficient matter to ruin him, yet it made deep impressions on the king's jealous and alienated mind. She told them, that she once asked Norris, why he did not proceed in his marriage? who answered, that he would tarry a little longer: to which she replied, you wait for dead men's shoes: if the king should happen to die, you would expect to have me. He answered, he wished his head cut off, if he had entertained any such thought: upon which she said, she could undo him if she pleased, and thereupon fell out with him.—As for Mark, who was then in irons, she said, he was never in her chamber but when the king was last at Winchester, and then he came in to play on the Verginals: that she never spoke to him after that, but on the Saturday before May-day, when she saw him standing at the window, and then she asked him why he was so melancholy? to which he replied, it was no matter: then she rejoined, you do not expect I should speak to so mean a person as you are, as if you were a man of quality. No, madam, said he, a look is enough. She seemed more apprehensive of Weston than any body; for on the Whitsun Monday then last he said to her that Norris came more into her chamber upon her own account than any body else there. She

had observed that he loved a kinswoman of hers, and charged him with it, and for not loving his wife; but he answered her, that there were women in the house whom he loved better than them both: she asked who that was? yourself, said he; upon which she said she defied him.

The queen's misfortunes drew after them the common effects that attend persons in disgrace: the whole court was now set against her; but Archbishop Cranmer had not learnt the servile arts of baseness and ingratitude: he had been much obliged to her, and had conceived so great an opinion of her virtue and goodness, that he could not easily receive any ill impressions of her. He was well acquainted with the king's rough temper, and that a downright justification would but the more provoke him; and therefore on the 3d of May he wrote a letter to the king, with all the softness that so nice and tender a point required; where he justified her as far as was consistent with charity and prudence. The letter shews of what constitution he was that wrote it; and it contains so many things that highly redound to her honour, that we think it proper to be inserted in this place, as taken from the original.

"Pleaseth your most noble grace, to be advertised, that at your grace's commandment, by Mr. Secretary his letter, written in your grace's name, I came to Lambeth yesterday, and do there remain, to know your grace's further pleasure; and, for as much as without your grace's commandment, I dare not, contrary to the contents of the said letter, presume to come into your grace's presence; nevertheless, of my most bounden duty, I do no less than most humbly desire your grace, by your great wisdom and by the assistance of God's help, somewhat to suppress the deep sorrows of your grace's heart, and to take all adversities at God's hands, both patiently and thankfully. I cannot deny but that your grace hath great causes, many ways, of lamentable heaviness; and, also, that in the wrongful estimation of the world, your grace's honour, of every part is highly touched (whether the things that commonly be spoken of, be true or not) that I remember not that ever Almighty God sent unto your grace any like occasion to try your grace's constancy throughout, whether your highness can be content to take of God's hand, as well things displeasant as pleasant; and if he find in your most noble heart such an obedience unto his will, that your grace, without murmuration and overmuch heaviness, do accept all adversities, not less thanking him, than when all things succeed after your grace's will and pleasure, nor less proposing his glory and honour; then

I suppose your grace did never thing more acceptable unto him, since your first governance of this your realm; and, moreover, your grace shall give unto him occasion to multiply and increase his graces and benefits unto your highness, as he did unto his most faithful servant Job, unto whom, after his great calamities and heaviness, for his obedient heart and willing acceptation of God's scourge and rod, *addidit ei dominus cuncta duplicia.* And if it be true, that is openly reported of the queen's grace, if men had a right estimation of things, they should not esteem any part of your grace's honour to be touched thereby, but her honour only to be clearly disparaged. And I am in such a perplexity, that my mind is clean amazed; for I never had better opinion in woman than I had in her, which maketh me think that she should not be culpable. Now I think that your grace best knoweth, that next unto your grace, I was bound unto her of all creatures living; wherefore, I most humbly beseech your grace to suffer me, in that which both God's law, nature, and, also, her kindness, bindeth me unto; that is, that I may, with your grace's favour, wish and pray for her. And from what condition your grace, of your only mere goodness, took her, and set the crown upon her head, I repute him not your grace's faithful servant and subject, nor true unto the realm, that would not desire the offence without mercy to be punished, to the example of all others. And as I loved her not a little, for the love that I judged her to bear towards God and his gospel, so, if she be proved culpable, there is not one that loveth God and his gospel, that ever will favour her, but must hate her above all other; and the more they favour the gospel, the more they will hate her. For then there never was creature, in our time, that so much slandered the gospel; and God hath sent her this punishment, for that she feignedly hath professed the gospel in her mouth, and not in heart and deed. And though she have offended so, that she hath deserved never to be reconciled to your grace's favour, yet God Almighty hath manifoldly declared his goodness towards your grace, and never offended you; but your grace, I am sure, knowledgeth you have offended him; wherefore, I trust, that your grace will bear no less entire favour unto the truth of the Gospel, than you did before; for so much as your grace and favour to the gospel was not led by affection unto her, but by zeal unto the truth. And thus I beseech Almighty God, whose gospel he hath ordained your grace to be defender of, ever to preserve your grace from all evil, and give you at the end the promise of his gospel. From Lambeth, the 3d day of May.

"After I had written this letter unto your grace, my Lord Chancellor, my Lord of Oxford, my Lord of Sussex, and my Lord Chamberlain, of your grace's house, sent for me to come into the Star Chamber, and there declared unto me such things as your grace's pleasure was they should make me privy unto, for which I am most bounden unto your grace; and what communication we had together, I doubt not but they will make the true report

thereof unto your grace. I am exceedingly sorry that such faults can be proved on the queen, as I have heard of their relation; but I am, and ever shall be, your faithful subject.

"Your grace's most humble subject and chaplain,
"J. CANTUARIENSIS."

But jealousy, and the fresh object of the king's affections, utterly defaced all his remaining esteem for Queen Anne; and the ministers continued to carry on their intrigues in order to get further evidence for the trial, which was not brought on till the 12th of May: on which Norris, Weston, Brereton, and Smeton, were tried by a commission of oyer and terminer in Westminster-hall. They had been twice indicted, and the indictments found by two grand juries in the counties of Kent and Middlesex; the crimes laid to their charge being said to be done in both these counties: Mark Smeton confessed he had known the queen carnally thrice; the other three pleaded not guilty; but they were all convicted upon the evidence before-mentioned, and judgment given that they should be drawn to the place of execution, and some of them to be hanged and others beheaded. The first three had the favour of being beheaded, but Smeton was hanged. It was generally said he had been bribed to make that confession, and that his life had been promised him, but that he was not fit to live to tell tales. Norris had had a great share in the king's favour, and an offer was made him of his life, if he would accuse the queen and confess his guilt; but he generously rejected so base a proposal, and said, "That in his conscience he believed her innocent in respect to the crimes laid to her charge; but whether she was or not, he would not accuse her of any thing, and he would die a thousand deaths rather than concur in the ruin of an innocent person." Upon which report King Henry cried, "Cut off his head, cut off his head." From this Norris descended a race of heroes of wonderous fame in the reign of Queen Elizabeth; but we must not digress.

On the 15th Sir William Kingston, lieutenant of the Tower, brought forth the queen and her brother, the Lord Rochford, to be tried by their peers. There was a scaffold erected for this purpose in the king's hall within the Tower. There were 28 peers, say divers of

our historians, appointed to try them, besides the lord high steward of England for the day, who was the judge, and this was

Thomas, Duke of Norfolk.

Some of the rest were

Charles, Duke of Suffolk.	Thomas, Earl of Westmoreland,
Henry, Marquis of Exeter.	John, Earl of Arundel.

It is exceeding singular, say they, that the Earl of Wiltshire should be of the number of these peers upon the occasion of the trial of his own son and daughter; whether this unnatural compliance was imposed upon him by the imperious king, or he officiously submitted to it himself, with a view to preserve himself from the ruin which he saw coming on his family, is uncertain. But they are all mistaken, for the Earl of Wiltshire was not one of the judges, which consisted only of 26, and the names of them are thus recorded;

Duke of Norfolk, Lord High Steward.

Duke of Suffolk.	Lord Montague.
Marquis of Exeter.	Lord Morley.
Earl of Arundel.	Lord Dacres.
Earl of Oxford.	Lord Cobham.
Earl of Northumberland.	Lord Maltravers.
Earl of Westmoreland.	Lord Powis.
Earl of Derby.	Lord Mounteagle.
Earl of Worcester.	Lord Clinton.
Earl of Rutland.	Lord Sands.
Earl of Sussex.	Lord Windsor.
Earl of Huntington.	Lord Wentworth.
Lord Audley.	Lord Burgh.
Lord de la War.	Lord Mordant.

The record mentions one thing, which is very particular, concerning the Earl of Northumberland; that he was taken with a sudden fit of illness, and was forced to leave the court before the Lord Rochford was tried; this might very well have been casual; but since he had been once in love with the queen, and designed to marry her, it is no wonder if so sad a change in her condition should cause an unusual disorder in him.

Before these noble lords the queen was indicted of high-treason: The crimes laid to her charge were:

"That she had procured her brother, and the other four, to lie with her, which they had often done.

"That she had said to them that the king never had her heart.

"That she had said to every one of them, by themselves, that she loved them better than any person whatsoever.

"That the whole tended to the slurring of the issue begot between the king and her."

It was set forth that this was treason, according to the statute made in the 26th of the king's reign; so that what was enacted in favour of her and her issue by her marriage with the king, was now unhappily made use of to destroy her. It was also added in the indictment, that she and her accomplices had conspired the king's death. But this, it seems, was only put in to swell the charge; for, if there had been any tolerable evidence for it, there was no necessity of straining the other act. If they could have proved violating of the queen, the known statute of the 26th of the reign of Edward III. had been sufficient.

When the indictment was read, she held up her hand and pleaded not guilty, and her brother did the same. The court did her the favour to provide a chair for her to sit upon, but whether she made use of it or not, does not appear. We have not been able, with all our inquiry, to meet with the particulars of her trial, what questions were put to her, and how she answered, with other circumstances which must accompany so signal an event; only, in general, that she answered all the evidence brought against her very discreetly, and seemed fully to clear herself from every thing laid to her charge. One thing is exceeding remarkable, and lays a grand slur upon the proceedings of the court, which in our days of liberty would not be borne with, and that is, that Mark Smeton, who was the only person that confessed any thing, was never confronted with the queen, nor reserved to be an evidence against her; for he had been condemned three days before, and so could not be a witness in law.

But perhaps her enemies were so diffident in the matter, that though they had, by one artifice or other, worked up the wretch to a false confession; yet they did not think he would have front enough to aver the same to the queen's face. The main evidence they brought, according to Spelman's account, was the oath of a dead

woman; yet this, or rather the base apprehensions they had of offending the haughty king, wrought upon their lordships so far as to find her and her brother guilty; and thereupon judgment was pronounced, that she should be burnt or beheaded at the king's pleasure.

Here the learned judge already mentioned observes, that whereas burning is the death appointed by law for a woman to undergo, that is attainted of treason, yet since she had been Queen of England, they left it to the king to determine, whether she should die so infamous a death or be beheaded; but the judges complained of this way of proceeding, saying, that such a disjunctive course in a judgment for treason, had never been known before.

This was not enough to satisfy the enraged king; the marriage between them must be annulled, and the issue made illegitimate. He called to mind an intrigue that had been between her and the Earl of Northumberland, then Lord Percy only, about a marriage. The business in short was thus: The Earl of Northumberland, by a strange compliance with Cardinal Wolsey's vain humour, made his eldest son one of his servants; during which the cardinal coming to understand that the young lord made his addresses to Anne Boleyn, he one day called for him before his other servants, of which Mr. Cavendish, who gives this account, and was there present, was one, and chid him for it; pretending at first it was below him to match so meanly: but the Lord Percy justifying his choice, and insisting that she was not inferior in birth and quality to himself, the cardinal peremptorily required him to drop his pretensions. He answered, "He would readily submit to the king and him; but that he had proceeded so far before many witnesses, that he could not recede from it, nor tell how he could quiet his conscience about it." Upon that the cardinal said, in a great rage, "Why dost thou think that the king and I do not know what to do in so weighty an affair? Yes, I'll warrant you, but I can see no submission in thee at all to the purpose;" and said, "you have matched yourself with such a person, to which neither the king nor your father will yield their consent, and therefore I'll send for thy father, who, when he comes, will make thee either

break off this unadvised agreement, or disinherit thee for ever."

It is very probable that the king, having fixed his affections on the lady at that very time, to which the cardinal was privy, that this was a contrivance on purpose to beat the Lord Percy off it. Wicked men will make the same thing serve for quite different purposes. This pretended contract was now trumped up by the king and his ministers, as a means to get rid of her to make way for a new object to fill her room. It is indeed not unlikely, but that there might have been some promises made by the Lord Percy, to marry her *per verba de futuro*, which though it was no precontract in itself, yet it seems the poor queen was either so ignorant, or so ill advised, as to be persuaded afterwards it was one; though it is certain that nothing but a contract *per verba de præsenti*, could be of any validity in order to annul the subsequent marriage.

But the king and his council reflecting upon the foregoing account, resolved to try what they could make of it, and therefore they pressed the Earl of Northumberland to confess a contract between them: but the noble earl, like himself, was staunch and honest; he took his oath, before the two archbishops, that there had never been any contract nor promise of marriage between them; and he received the sacrament upon it before the Duke of Norfolk, and others of the privy-council, wishing it might be his damnation if there was any thing in it, concerning which the original declaration under his own hand is still extant. So that it is very probable that what he had said to the cardinal concerning witnesses, and his conscience in the case, was the effect of the violence of his passion for her, and proceeded more from the apprehensions he was under of being deprived of her, than a just regard to truth.

It is very plain, they could not extract any confession from the queen before the sentence passed upon her; for it is not to be doubted, but if they could have done that, the business of the divorce had preceded the trial, and then she must have been only tried by the title of Marchioness of Pembroke. But now, that she lay under so terrible a sentence, it is most probable that they entertained her with some hopes of life, or at least

wrought on her with assurances of a mitigation of the most cruel part of the sentence, which was burning, into the milder part of decollation; so that she was brought to confess a pre-contract, and, on the 17th of May, was conducted to Lambeth; and, in court there, the archbishop sitting as judge, and in the presence of some persons of quality, she confessed some just and lawful impediments, by which it was evident her marriage with the king was invalid; upon which confession, her marriage was adjudged to be null and of none effect. The record of the sentence is burnt; but these particulars are recited in the act, which passed the next parliament, concerning the succession of the crown. It looks as if this had been done privately, seeing Spelman writes thus:—"It was said there was a divorce made between the king and her, upon her confessing a pre-contract with another before her marriage with the king." So that it was then only surmised, but not generally known.

Here it is necessary for us to cite a short but just remark, made by a learned pen, concerning the two sentences passed upon her, the one of attainder, and the other of divorce upon the account of a pre-contract:—"They did so contradict one another, that it was apparent one, if not both of them, must be unjust, for if the marriage between the king and her was null from the beginning, then, if she was not the king's wedded wife, there could be no adultery. And her marriage with the king was either a true marriage or not; if it was true, then the annulling of it was unjust; and if it was no true marriage, the attainder was unjust; for there could be no breach of that faith which was never given. So that it is plain, the king was resolved to be rid of her, and to make her daughter illegitimate; and, in that transport of his fury, did not consider the very method he took discovered the injustice of his proceedings against her."

The execution of the unhappy queen being ordered two days after this, and that on the green upon Tower-hill; the following circumstances will best shew how she received the fatal news, and how firm she continued in the protestation of her innocence. Upon a strict recollection of her past life, she called to mind, the day before she suffered, that she acted the part of too severe a mother-in-law to the Lady Mary, and had done her

many injuries; upon which she made the lieutenant of the Tower's lady sit down in a chair of state, after she had made divers excuses for it, and then falling down upon her knees, with many tears, charged her, as she would answer the same to the great God, to go in her name, and do as she had done, to the Lady Mary, and to ask her pardon for all the injuries she had done her. She added, she had no peace of conscience till she had done that, but thought she did what became a christian in this respect.

This ingenuity and tenderness of conscience in minuter things, is a violent presumption that if she had been conscious of greater miscarriages, she had not persisted in the denial of them to her last breath, and make protestations of her innocence; for that same night she sent her last message to the king, and acknowledged herself so much obliged to him, that he continued still to advance her: she said, she had from a private gentlewoman been first made a marchioness, and then a queen, and now, since he could promote her no higher upon earth, he was sending her to be made a saint in heaven. She protested her innocence, and recommended her daughter to his care.

As for her behaviour, on the day of her execution, it will partly appear from the following letter, written by the lieutenant of the Tower, in his own phrase, on that doleful occasion:—

"Sir,—These should be to advertise you, I have received your letter, wherein you would have strangers conveyed out of the Tower, and so they be by the means of Richard Gressum, and William Cooke and Wytspol; but the number of strangers pass not thirty, and not many of those armed, and the ambassador of the Emperor had a servant there, and honestly put out. Sir, if we have not an hour certain, as it may be known in London, I think here will be but few, and I think a reasonable number were best, for I suppose she will declare herself to be a good woman, for all men but for the king, at the hour of her death; for this morning she sent for me, that I might be with her at such a time as she received the good Lord, to the intent I should hear her speak as touching her innocence to be always clear. And in the writing of this she sent for me, and at my coming she said, Mr. Kingston, I hear say, I shall not die before noon, and I am very sorry therefore, for I ought to be dead by this time, and past my pain. I told her it would be no pain, it was so little; and then she said, I heard say the executioner was very good, and I have a little neck, and put her hands about it, laughing heartily. I

have seen many men and women executed; and that they have been in great sorrow, and, to my knowledge, this lady hath much joy and pleasure in death. Sir, her almoner is continually with her, and had been since two o'clock after midnight. This is the effect of any thing that is here at this time, and thus fare you well. Your's

"WILLIAM KINGSTON."

The poor queen was brought to the scaffold, erected on Tower-hill, on the 19th of May, a little before noon, where she made a short speech, to this effect, to a great number of people, whose curiosity led them thither, to view the last scene of this sad tragedy:—

"Good christian people,—I am come hither to die; for, according to the law, and by the law, I am adjudged to die; and, therefore, I will speak nothing against it. I am come hither to accuse no man; nor to speak any thing of that whereof I am accused and condemned to die; but I pray God save the king, and send him long to reign over you; for a gentler, nor a more merciful prince was there never, and to me he was ever a good, a gentle, and a sovereign lord. And if any person will meddle of my cause, I require them to judge the best. And thus I take my leave of the world, and of you all, and I heartily desire you all to pray for me. O Lord, have mercy on me! to God I commend my soul. Jesu, receive my soul!"

Among those who were present on this fatal day, the principal persons were the Dukes of Suffolk and Richmond, which last was the king's natural son, and in case he failed of legitimate issue male, designed by him to be his successor; and, therefore, it was unseemly in that young lord to be then there. The others were the lord-chancellor, and secretary Cromwell, with the lord-mayor, sheriffs, and aldermen of London. Her head was cut off by the hangman of Calais, who was brought over on purpose, as being more expert in the art of decollation than any other in England. Spelman writes, That her eyes and lips were observed to move after her head was cut off. Her body was thrown into a common chest of elm-tree, that was made to put arrows in, which was very odd. Surely, they might have provided a more decent coffin for her, who had been lain in the king's bosom, and had been once the delight of his eyes: but so it was, and no otherwise, and in that manner it was conveyed into the Tower chapel, and there buried before twelve o'clock.

Various were the censures of mankind, in reference to this extraordinary procedure, according to the diversity of their interests. The Papists said, the justice of God was manifest, that she who had supplanted Queen Catherine, by the same means, met with the like, and even a severer treatment. Some took notice, how faintly she vindicated herself on the scaffold, as if her conscience had at last prevailed, so as that she could no longer deny a thing, for which she was so soon to answer at another tribunal: whereas, others conceived, that her touching that matter in so tender a manner, proceeded from the care she had of her daughter, she having observed that Queen Catherine's obstinacy had drawn the king's displeasure upon her daughter; and, therefore, to the intent that herself alone might sustain her misfortunes, and derive no share of them upon her little daughter: she delivered herself in such a strain as would administer no cause of offence to the king: and, as she said enough to justify herself, so she said as much, and in the opinion of some, more for the king's honour than could be expected.

Queen Anne's carriage, indeed, seemed to be too free, and it was the sentiments of people, in general, that some freedoms and levities in her, had encouraged those unfortunate persons to say such bold things to her; since few attempt the chastity, or make declarations of love to persons of such exalted dignity, except there be some invitations, at least in their carriage. Others thought that a free and jovial temper with great innocence, though with little discretion, led her to all those things which were proved against her, and therefore they concluded she was chaste, but not discreet. Others blamed the king, taxing him home with cruelty in proceeding so severely against a person, whose chastity he had reason to be assured of, since she had resisted his addresses for near five years, till he legitimated them by marriage; but others excused him as much. It is past dispute, that her conduct had given just cause of some jealousy, and it was no wonder if a king of his temper, conceiving it against one whom he had so signally obliged, was transported into unjustifiable excesses.

GEORGE WISHART,

TRIED AND BURNT FOR HERESY, IN THE THIRD YEAR OF THE REIGN OF MARY, QUEEN OF SCOTLAND, A. D. 1545.

THIS gentleman was of the family of Pittdrow, in the county of Merns; he was a person of great knowledge, powerful eloquence, and endowed with many other rare virtues. He had spent some time in the university of Cambridge, and out of a desire to promote what he imagined to be the truth in his own country, he returned home in 1544; and residing chiefly in the towns of Dundee and Montrose, he publicly preached there with great applause and good success.

Cardinal Beaton, Archbishop of St. Andrews, was the man that then bore all the sway in ecclesiastical matters in Scotland, who being incensed that Wishart had so many followers, forbade the people of Dundee to receive him; whereupon one Robert Mill, a man of great authority in that town, being either corrupted by the cardinal's presents, or fearing some calamity might befal the place upon his account, one day, as he had finished his sermon, openly prohibited him to come any more amongst them. Wishart, after a little pause, turning himself to Mill, said, God is my witness, that I ever mind your comfort, and not your trouble, which to me is more grievous than to yourselves: But sure I am, to reject the word of God; and to send away his messengers, is not the way to save you from trouble: when I am gone, God will send you messengers, who will not be afraid either of burning or banishment. I have, with the hazard of my life, remained amongst you preaching the word of salvation, and now since you yourselves reject me, I must leave my innocence to be declared by God; if it be long well with you, I am not led by the spirit of truth; and if unexpected trouble befall you, remember this is the cause, and turn to God by repentance, for he is merciful.

The earl marshal, and some other noblemen, who were present at the sermon, pressed him very much to go with them into the north, but he choosing to go into

the west parts of the kingdom, his sermons were there attended with a great concourse of people; the Archbishop of Glasgow made a journey on purpose to the town of Ayr, in order to apprehend him; but Alexander, Earl of Glencairne, hearing of the archbishop's intentions, hastened to the town, and offered the use of the church to Wishart, wherein the archbishop was preparing to preach himself, but he declined that; and being desired the Sunday following to preach in the church of Macklin, to prevent which, the sheriff of Ayr put in soldiers over night, he would not suffer his friends to enter the church by force, saying, it is the word of peace that I preach unto you, the blood of no man shall be shed for it this day; Christ is as mighty in the fields as in the church, and he himself, when he lived in the flesh, preached oftener in the desart, and upon the seaside, than in the temple of Jerusalem. So walking along the edge of the moor on the South side of Macklin, he preached to the multitude for three hours and above; and all the while he continued in those places, taught daily with good success.

After he had remained about a month in these parts, he was informed that the plague made great ravages in the town of Dundee, where it began the fourth day after he had left it; this moved him to return thither, and the morning after his arrival he gave intimation he would preach; and because the sickness still raged, he chose the head of the East gate, the infected persons standing without, and the rest within it; his text was this, he sent his word and healed them, and delivered them from their destruction: And having made an excellent discourse, suitable to the occasion, and the deplorable circumstances of the people, he continued amongst them all the time the sickness lasted, and did not suffer the poor, who were destitute of subsistence, to want necessaries any more than the rich.

It happened while Mr. Wishart continued here, that one John Weighton, a priest, formed a design to murder him as he came down from the place where he was wont to preach; but being prevented, and apprehended with a weapon in his hand, a tumult arose, the sick without the gates rushed in, and cried that the assassin might be delivered to them; but Wishart

taking the priest in his arms, desired them to be quiet, saying, "He has done no harm, only he has shewed us what we have to fear for the future; and thus he saved the man from destruction.

The plague decreasing, he prepared to go to Edinburgh; but, because he had not seen the people of Montrose for a long time, and was doubtful whether he should ever return, he determined first to go thither. While he tarried there, he received a letter from Lord Kenneir, in the shire of Fife, to acquaint him with a sudden sickness that had seized him, and to desire he would lose no time to come to him: he presently began his journey, accompanied by some honest citizens, who would needs attend him part of his way. They had not gone above a quarter of a mile, when he suddenly stopped, saying to the company, "I am forbid to go this journey; will some of you be pleased to ride to yonder place, pointing with his finger, to a little hill, and see who you can find; for I apprehend there is a plot against my life. So returning to the town, those that went forward to the place found about threescore horsemen laid to intercept him, by which he came to understand that the letter was counterfeited. They declaring, at their return, what they had seen, he said, "I know I shall end my life in the hands of that man, (meaning the cardinal,) but it will not be after this manner.

Two or three days after, he began his journey for Edinburgh, notwithstanding the persuasions of the Lord Drummond, and others, to the contrary, and lodging that night at Inner Gowry, he was observed to get out of his bed a little after midnight, and to go into the garden, where, after a turn or two, he fell upon his knees, sighing and groaning mightily, then prostrating himself upon the ground, lay almost an hour in that posture, weeping and praying, and then returned to his rest. William Spalding and John Watson, who lay in the same room, and had observed whither he went, asked him, as if they had known nothing of the matter, where he had been, but he made them no answer; but enquiring anew in the morning, what made him rise in the night, and the reason of his lamentation, for they told him all that they had seen and observed,

he answered, with a dejected countenance, "I wish you had been in your beds, which had been more for your ease, for I was scarce well employed; but they desiring him to satisfy them farther, and to impart some comfort to them, he said, "I will tell you that I assuredly know that my travelling is near at an end, and therefore pray to God for me, that I sink not when the battle waxeth hot:" upon those words they burst into tears, and said, it was to them a small comfort. Whereupon he replied, "God will send you comfort after me; this realm shall be illuminated with the light of Christ's gospel, as clearly as ever any realm was since the days of the Apostles: the house of God shall be built in it; yea, it shall not lack the very cope-stone, whatever its enemies shall devise to the contrary; neither shall this be long a doing; for there shall not many suffer after me. The glory of God shall appear, and truth shall once triumph in despite of the devil; but, alas! if the people become unthankful, the plagues and punishments which shall follow will be fearful and terrible."

Having after this preached at Leith, and several other places, his last sermon was at Haddington; here having received a letter from the gentlemen in the West, wherein they acquainted him they could not keep the diet appointed at Edinburgh, he said to John Knox, who then attended him, "I am weary of the world, since I perceive men to grow weary of God; however, he went into the pulpit, and rebuking the people of that town for their contempt of the gospel, he told them, "That strangers should possess their houses, and chase them from their habitations:" which came to pass in a short time. He also took notice of the short time he had to live, and told them his death was nigher than they imagined. He bid his acquaintance there, next morning, such a farewell as if it were for ever, and by reason of the greatness of the frost, went on foot to Ormeston, and John Knox being desirous to accompany him, he desired him to go back, saying, "One is enough at this time for a sacrifice. Being arrived at Ormeston, the house wherein he lay was beset about midnight with a body of horse, sent by the regent to take him; but the Laird of Ormeston refusing to

deliver him, hoping he might find a way to let him make his escape, the Earl of Bothwell, sheriff of the county, came and required he should be put into his hands, promising that his life should be safe, and that it should not be in the cardinal's power to injure him: the laird having acquainted him with it, he desired him to open his gates, saying, "The blessed will of God be done." The earl entering the house, Wishart said to him, "My lord, I am pleased that so honourable a person as you are, receives me this night, in the presence of these noblemen, for I am assured your honour will not permit any thing to be done to me out of the order of the law; I am not ignorant that the law, which they who seek my life use, is nothing but a corruption and a cloak to shed the blood of God's saints; yet I less fear to die openly, than to be murdered in secret." The earl answered, "I shall not only preserve your body from violence, if any be intended against you, but I will promise you, on my honour, in the presence of these gentlemen, that neither the earl of Arran the regent, nor the cardinal, shall be able to hurt you; and that I shall keep you in my own power, till either I make you free, or bring you back to the place where I now receive you."

Being upon this promise delivered into the earl's own hand, he departed with him for Elphinston, where the cardinal was attending the success. From thence he was conveyed to Edinburgh, but afterwards brought back to the castle of Hales, the earl's principal seat in Lothian; but the Queen-mother, Mary of Lorrain, of the house of Guise, at the cardinal's desire, being very earnest with the earl to have him sent back to the castle of Edinburgh, he, out of respect to his promise, refused it for some time; but at last being overcome by her solicitations, he gave way to it: so the poor man was recommitted to Edinburgh Castle, and, after a short stay there, conveyed to St. Andrews, where he continued a prisoner to the day of his suffering.

The cardinal, thinking it not expedient to protract his trial, wrote to the prelates of the kingdom to meet on the 27th of Feb. at Glasgow. The archbishop of that place in the assembly delivered his opinion, that it would be expedient to get a commission from the

regent, to some man of quality that might execute justice, lest all the burden should lie upon them; to which the cardinal readily agreed, upon a supposition that the regent would make no scruple of it. Nor, indeed, had he made any, if David Hamilton of Preston, who knew their intentions, had not seriously dissuaded him from it, advising him rather to use his authority in defence of God's servants, than to arm their adversaries with his power.

The earl being moved with the arguments of Hamilton, answered the cardinal, "That he would do well not to precipitate this man's trial, but to put the same off till he himself arrived; for as to his part, he would not give his consent to have him put to death, before the matter was well examined; and if the cardinal offered to do otherwise, he would make protestation, that this man's blood should be required at his hands." His answer perplexed the cardinal very much; for he knew that delays would be a means to save the prisoner; and to put the matter into a way of thorough examination, he foresaw, would still be more dangerous: he therefore replied, in a great passion, "That he had not wrote to the regent as though he had any dependance in that case upon his authority, but from a desire he had that the condemnation of heretics might be carried on with an appearance of public consent, which since he could not obtain, he would do himself what he thought was most proper on such an occasion."

Thus he ordered a process, or citation, to be issued out, requiring Mr. George Wishart to make his appearance next morning, to answer for his seditious and heretical doctrines. Wishart having received the summons, said, "The cardinal had no occasion to summons me, for I am in his hands, and kept fast in irons, so as he may compel me to answer at what time he pleases; but to manifest, continued he, what sort of men you are, its well done to keep to your forms and constitutions. The next day the cardinal and prelates being met in the abbey church, the prisoner was brought before them by the captain of the castle, and then the sub-prior, whose name was John Winram, a man of good learning, and one who secretly favoured the reformation, went up into the pulpit, as he had been

commanded, and taking for his text our Saviour's words in the thirteenth of St. Matthew's gospel, concerning the good seed, which he interpreted to be the word of God, he said, "Heresy was the ill seed;" and he defined it to be a false opinion, directly opposing the word, and defended with obstinacy. Then coming to speak of the causes of heresy, "The main one," he said, "was the ignorance and negligence of those who had the cure of souls, and neither understood the word of God, nor could use the same to the convincing of false teachers, and the reducing of those who are gone astray." In the latter part of his sermon, speaking how heresy should be discerned, he said, "That as the goldsmith knows the fine gold from the counterfeit by the touchstone, so was heresy discerned by the true, sincere, and undefiled word of God:" and so he concluded, "that heretics ought to be punished, and might lawfully be put to death by the magistrate."

The prisoner was then placed in a seat erected for that purpose, and over against him, Master John Lauder, a priest, in another; who having a long scroll of paper in his hands, containing the articles laid to his charge, used many reproachful words; all which the other heard very patiently, not once moving or changing his countenance. Being required to answer, before he would utter a word, he bowed his knees, and made his prayer to God; then standing up, entreated them, in a most humble manner, to suffer him to repeat the sum of the doctrine which he had taught since his coming into Scotland, which he said was nothing but what the ten commandments of God, the twelve articles of the christian faith, and the Lord's Prayer contained. But the prelates prohibiting all discourses, required him to answer directly, yea or nay, fearing if liberty was allowed him to speak, he should bring over some of the auditors to his party.

The prisoner perceiving he could not be heard, demanded an equal and impartial judge; upon which Lauder replied, "That the cardinal was more than a competent judge for him;" and then he enumerated all his titles, saying, he was Archbishop of St. Andrews, Bishop of Meropois, Chancellor of Scotland, Commendatory of Aberbrothock, *legatus natus*, *legatus à latere*

and the second person in the kingdom. Wishart calmly answered, "I do not condemn my lord cardinal, but I desire the word of God to be my Judge, and my Lord Regent, since I am his prisoner." At these words some people that stood by cried out, like man like judge; meaning that the regent was a heretic like himself. Then would the cardinal have proceeded to pronounce sentence without any further process; but being advised to let the accusation be read, and to hear what the prisoner could say, lest people should think him wrongfully condemned, he commanded the priest to read the articles distinctly, and to hear his answer to every one of them severally. They were eighteen in number, and they are these which here follow:

Article I. "Thou art a heretic and a traitor, a deceiver of the people, who despisest holy church, and in like case condemnest the lord-regent's authority. And this we know for certain, that when thou didst preach in Dundee, and was charged by his authority to desist, nevertheless, thou wouldst not obey, but didst persevere in the same; and, therefore, the Bishop of Brothen cursed thee, and delivered thee into the devil's hands, and gave thee in commandment thou shouldst preach no more; notwithstanding which, thou didst obstinately continue."

Wish. "My lords, I have read in the Acts of the Apostles, that it is not lawful to desist from preaching the gospel for the threats and menaces of men; and, therefore, it is written, we should rather obey God than men. I have also read, in the Prophet Malachi, 'I shall curse your blessing, and bless your cursings;' believing, firmly, that the Lord will turn your cursing into blessings."

II. "Thou false heretic didst say, that the priest, standing at the altar saying mass, was like a fox wagging his tail in July."

Wish. "My lords, I did not say so; these were my sayings: 'the outward motion of the body, without the inward motion of the heart, was nought else but the playing of an ape, and not the true serving of God; for God is a searcher of the secrets of men's hearts; therefore, those that will truly adore and honour him, must honour him in spirit and in truth.'"

Then the accuser stopped his mouth with another article.

III. "Thou false heretic preachest against the sacraments, saying, that there were not seven sacraments."

Wish. "My lords, with your leave, I never preached about the number of the sacraments, whether they were seven or eleven; so many as are instituted by Christ, and shewn us in the Gospel, I openly profess. Except it be the word of God I dare affirm nothing."

IV. "Thou false heretic hast openly taught, that auricular

confession is not a blessed sacrament; and thou sayest that we should only confess to God, and to no priest."

Wish. "My lords, I say that auricular confession, seeing it has no promise of the gospel, cannot be a sacrament. Of the confession to be made to God, there are many evidences in scripture; as when David said, 'I thought I would acknowledge mine own iniquity, against myself, unto the Lord, and he forgave the punishment of my sin.' Psal. 32. Here confession signifies the secret acknowledgment of my sins before God. When I exhorted the people in this manner, I reproved no manner of confession. And farther, St. James says,—'Acknowledge your faults one to another, and pray one for another, that you may be healed.'"

As he uttered these words, the bishops and their associates exclaimed,—"Do you not see how he colours his discourses, that he may beguile and seduce us to his opinions?"

V. "Thou heretic didst openly say, that it was necessary every man should know and understand his baptism, contrary to general counsels, and the state of holy church."

Wish. "My lords, I believe there are none here so simple, as to traffic with a Frenchman, or other foreigner, but he must first know and understand the terms or promises made, or proposed by him. In like manner, I wish we might understand what promises we make to God, in the name of the infant, at his baptism; and this is the reason, I believe, you have the ceremony of confirmation.

"Then," said Mr. Bleiter, the captain, "the devil and the spirit of error is within him;" to which a child presently replied, "the devil cannot speak such words as yonder man does."

VI. "Thou heretic and traitor didst say, that the sacrament of the altar was but a piece of bread baked upon the ashes, and nothing else; and that all that is there done is but a superstitious rite against the command of God."

Wish. "Oh, Lord God! such manifest lies and blasphemies the scripture does not teach you. As to the sacrament of the altar, I never taught any thing, my lords, contrary to scripture, which, by God's grace, I shall make out this day, being ready to suffer death for it.

"The lawful use of the sacrament is most acceptable to God, but the great abuse of it is very detestable; but what occasion they have to say such words of me, I shall shortly shew your lordships. I once chanced to meet with a Jew, as I was sailing upon the Rhine, of whom I inquired the reason of his obstinacy, in not believing that the true Messiah was come, seeing they had found all the prophesies fulfilled concerning him. Proceeding further, and urging that the sceptre was taken from Judah, and many other instances from the scripture, to prove that the Messiah was come, and that he was Jesus of Nazareth. The Jew made

this answer:—"When the Messiah comes, he shall restore all things, and he shall not abrogate the law given to our ancestors, as you do. For why, we see the poor amongst you perish with hunger, yet you have no compassion on them; but amongst us, Jews, though we are poor, there are no beggars to be found.

"'Again, 'tis forbid by the moral law to form any images of things in Heaven above, or in the earth beneath, or in the sea under the earth, but one God only is to be honored; but your sanctuaries and churches are full of idols.

"'Thirdly, you pay adoration to a piece of bread baked upon the ashes, and say this is your God.' I have only repeated here the sayings of the Jew, which I never affirmed to be true."

Then the bishops shook their heads, and would not hear him explain himself any farther that way.

VII. "Thou false heretic didst say, that extreme unction was not a sacrament."

Wish. "My lords, I never preached any thing about extreme unction, whether it was a sacrament or not."

VIII. "Thou didst, as a false heretic, say, that holy water is not so good as wash, or such like: thou didst condemn conjurations, and said holy church's cursings availed not."

Wish. "As to the strength or virtue of holy water, I never meddled with it in my doctrine. I would approve of conjurations and exorcisms, if they were agreeable to the word of God; but seeing, in reality, they are not, I disapprove of them."

IX. "Thou false heretic and renagado, didst say, that every layman is a priest, and the like; and that the pope had no more power than any other man."

Wish. "My lords, I preached nothing but the word of God; I remember I have somewhere in St. John and St. Peter read, 'He has made us kings and priests:' again, 'He has made us a royal priesthood;' and, therefore, I did affirm that any man who was skilled in the word of God, and the truth of Jesus Christ, had his power given him from God, and not from the power and violence of men, but by virtue of God's word, which is called the power of God, according to the plain testimony. Further, I say, that no unlearned man, unskilled in the word of God, and inconstant in the faith, whatever condition or order he is of, has power to bind or loose, seeing he wants the instrument by which he binds or looses, which is the word of God."

When he had said these things, all the bishops laughed and reviled him; which being observed by the prisoner, "Do you laugh," said he, "my lords; though these expressions are scorned and derided by your lordships, I must tell you, that they have a very great weight with, and are much valued by, me; because I am not only concerned in them myself, but it is the honour and glory of God that is?"

X. "Thou didst say, like a false heretic, that a man has no free-will, but is like the stoics, who say that it is not in man's will to do any thing, but that all concupiscence and desire comes from God, be it what it will."

Wish. "My lords, indeed I never said so: I say that as many as firmly believe in Christ, to them liberty is given, conformable to the saying of St. John, 'If the Son make you free, then shall you verily be free;' on the contrary, 'as many as do not believe in Christ Jesus, they are slaves to sin. He that sinneth is bound under sin.'"

XI. "Thou false heretic didst say, 'tis as lawful to eat flesh on a Friday as on a Sunday.

Wish. "May it please your lordships, I have read in the Epistles of St. Paul, 'That he that is clean, unto him all things are clean;' on the contrary, 'to the unclean all things are unclean. A faithful, clean, and holy man, by the word sanctifies the creature of God; but the creature makes no man acceptable to God; so that a creature cannot sanctify any unpure and unbelieving man; but to the faithful man all things are sanctified by the word of God and prayer.'"

Having spoken these things openly in the court, the bishops and their adherents said, "What need have we of any witnesses against him? Has he not here openly spoke blasphemy?"

XII. "Thou false heretic didst say, that we should not pray to saints, but to God only: tell us whether thou hast said this or not? Speak quickly."

Wish. "My lords, there are two things worthy of note: the one is certain, the other is uncertain. It appears, plainly and certainly, in scripture, that we should worship and honour one God, pursuant to the first commandment, 'Thou shalt worship no other Gods but me;' but as for praying to and honouring of saints, it is much doubted by many persons, whether they do hear the invocations made to them or not. Therefore, in my preaching, I exhorted all men alike, to leave the uncertain way, and to follow that which Christ our master has taught us: He is our only Mediator, and makes intercession for us to God the Father: He is the door by which we must enter; he that enters not in by this door, but climbs another way, is a thief and a murderer: He is the Truth and the Life; he that goes out of this way, doubtless shall fall into the mire, yea, verily, is fallen already into it. This was the tenour of my doctrine, which I have ever followed. Indeed, I have taught openly, and not in corners, what I have read and heard in the word of God; and if your lordships will now hear me, ye shall bear witness of the same. I dare not be so bold as to affirm any thing but what is consonant to the word of God."

XIII. "Thou false heretic hast openly preached, that there is no purgatory, and that it is an imaginary thing, that any man after this life should be punished in purgatory."

Wish. "My lords, as I have oftentimes already said, that I dare affirm nothing without the express words and testimony of scripture, I have frequently, and at divers times, read over the Bible, and yet never once found such a word as purgatory, nor any one place of Scripture applicable thereunto; and, therefore, I have ever been ashamed to preach up a thing which I could never meet with in the Scripture:" and directing himself to Mr. John Lauder, his accuser, "If you can produce any text of scripture, by which you may prove there is any such place, produce it here before this auditory." But Lauder went on with his articles.

XIV. "Thou false heretic hast preached openly against the vows of monks, friars, nuns, and priests; saying, that whoever tied themselves up to such-like vows, they vowed themselves into a state of damnation; moreover, that it was lawful for priests to marry, and not to live singly."

Wish. "Truly, my lords, I have read in the gospel, that there are three sorts of eunuchs; that some are so from their mother's womb; that others are castrated by men; and that the third have made themselves eunuchs for the sake of the kingdom of Heaven: verily, I say, these men are blessed in the word of God; but as for many that have not the gift of chastity, and for the sake of the gospel have not overcome the lusts of the flesh, and vowed chastity; your own experience will tell you, though I should say nothing at all, to what an inconvenience they have vowed themselves."

No reply being made to this, the accuser proceeded to the next article.

XV. "Thou false heretic sayst, thou wilt not obey our general nor provisional councils."

Wish. "My lords, what your general councils are I know not; I never studied them, but applied myself to the pure word of God: will you read here the acts of your general councils, or will you give me a book wherein they are contained, that I may read them? if they agree with the word, I shall readily acquiesce."

Here the Court grew angry, some of them saying, why should we suffer him to proceed any farther? Read the rest of the articles, and let him not dwell upon them. Amongst others, there was one John Graifindscot, standing behind John Lauder the appellant, who hastened him to read the rest of the articles, and not to expect the prisoner's impertinent answers: "For," said he, "we cannot bear them, no more than the devil can the sign of the cross, when it is named."

XVI. "Thou false heretic sayst, that it is in vain to build stately churches to the honour of God; seeing God dwells not in churches made with hands; neither can God be comprehended within so narrow a compass as the priest's hands."

Wish. "My lords, Solomon says, 'If the Heaven of Heavens cannot comprehend thee, how much less this house that I have built?' And Job agrees in the same sentence, saying, 'Seeing he is higher than the Heavens, what canst thou build unto him? He is deeper than hell, how shalt thou know him? He is longer than the earth, and broader than the sea.' So that God cannot be comprehended in one place, because he is infinite. Notwithstanding these scriptures, I never said that churches should be destroyed; but, on the contrary, I have ever affirmed, that they should be maintained and upheld, so as that the people might meet in them, and there hear the word of God; and moreover, that wherever the word of God is truly preached, and the sacraments duly administered, there, undoubtedly, God himself is present: so that both the sayings are true and compatible enough, that 'God cannot be comprehended in any place,' and that 'Where two or three are gathered together in his name, there he will be present in the midst of them.'"

Then said he to his accuser, "If you think any otherwise than I say, give your reasons here openly."

But Lauder, without giving any answer, proceeded with his articles.

XVII. "Thou false heretic contemnest fasting, and sayest thou shouldst not fast."

Wish. "My lords, I find that fasting is recommended in Scripture; and, therefore, I should be a slanderer of the Gospel, if I should despise fasting: and not only so, but I have learned by experience, that fasting is good for bodily health; but God knows who fasts the true fast."

XVIII. "Thou false heretic hast preached openly, saying, that the soul of man shall sleep till the day of judgment, and shall not obtain immortal life till then."

Wish. "God, of his infinite mercy and goodness, forgive them that say such things of me. I know, and am fully assured, from the word of God, that he who has begun to have faith in Jesus Christ, and believes firmly in him, his soul shall never sleep, but ever shall live an immortal life; which life, from day to day, is renewed and improved in grace, nor shall it ever perish and have an end, but live with Christ in immortality; to which life all that believe in him shall come and rest in eternal glory. Amen."

After some hours spent in this manner, sentence was pronounced against him to be burnt as a heretic. This done, they reconducted him to the castle, and he was lodged in the captain's apartment that night, the greatest part of which he spent in prayer. Early in the morning the prelates sent two friars to give him notice he must prepare to die that day. Then they asked him, if he would go to confession? and he answered, he had no business with friars, nor would he willingly confer

with them; but if they were disposed to gratify him that way, he desired to speak with the learned man that preached the day before.

This request being granted, the sub-prior went and talked with him a good while, and at last asked him if he would receive the sacrament of the Lord's Supper? Most willingly, said he, so as I may have it administered according to Christ's institution, under both kinds, of bread and wine. Hereupon the sub-prior went to the bishops, and told them that he had conferred with the prisoner, who solemnly affirmed, he was free of all the crimes laid to his charge, and that he uttered that not out of a desire he had of life, but to manifest his innocence, which was known to God, before men. The cardinal being offended with this account given by the sub-prior, said, we have a long while known what a man thou art. The sub-prior making no answer, asked if they would permit the sacrament to be given the prisoner. The cardinal conferring with the rest of the bishops for some time about it, answered in all their names, that it was not reasonable to give any spiritual benefit to an obstinate heretic condemned by the church.

When Wishart heard that the sacrament was denied him, being asked by the captain of the castle, going then to breakfast, if he would partake with him, he answered, very willingly; and so much the rather, because I perceive you to be a good christian, and a man fearing God. Then turning himself to the captain, he said, "I beseech you, in the name of God, and for the love you bear to our Saviour Jesus Christ, to be silent a little while, till I have made a short exhortation, and blessed the bread which we are to eat, so that I may bid you farewell." The table being covered, and bread according to custom set upon it, he spoke for about the space of half-an-hour, concerning the institution of the supper, and our Saviour's death and passion, exhorting those that were present to mutual love, and to the leading of a holy life, such as became the members of Christ. Then giving thanks, he brake the bread, distributing to every one that was present a portion; likewise having tasted the wine, he delivered the cup to them, exhorting them to remember with thankfulness the death of our Lord

Jesus in this his communion with them. "As for myself," said he, "there is a more bitter potion prepared for me, only because I have preached the true doctrine of our Saviour, which brings to salvation; but pray to the Lord with me, that I may take it patiently, as out of his hand." So concluding with another thanksgiving, he withdrew into his chamber.

Soon after, two executioners came up to him, one of which put a black coat of linen on him, the other fastened some bags of powder to all the parts of his body; and, thus arrayed, he was brought to an outer room, where he was commanded to stay till all things were ready. In the mean time, there was a scaffold erecting on the east side of the castle, towards the abbey, with a great tree in the middle in the form of a gibbet, to which the prisoner was to be tied; and right against it they planted all the artillery of the castle, lest any commotions should happen, or attempts be made to rescue him. The fore-tower was hung with tapestry, and rich cushions for the conveniency of the cardinal and prelates, who would be spectators of this most doleful tragedy: and, when all things were ready, he was led out with his hands tied behind him, and a guard of soldiers attending him to the place of execution. As he was going out of the castle-gate, some poor creatures, that lay there, asked some alms of him for God's sake; to whom he said, "I have not the use of any hands, wherewith I should give you alms; but our merciful God, who out of his abundance feeds all men, vouchsafe to give you those things that are necessary both for your bodies and your souls." Then two friars met him, crying, "Master George, pray to our lady, that she may be mediator for you to her son." —To whom he said, "Forbear, tempt me not, my brethren."

Being come to the place of execution, and having mounted the scaffold, he turned towards the people, and besought them not to be offended with the good word of God, because of the torments they saw prepared for him; desiring them withall to shew his brethren and sisters, who had often heard him, that the doctrine he taught, was the true gospel of Christ, given him by the grace of God, which he was sent to preach,

and for which he was then, with a most joyful heart and mind, to sacrifice his life. "Some have falsely reported," said he, "that I should hold the opinion, that departed souls sleep until the last day; but I know and believe the contrary, and am assured that my soul this night shall be with my Saviour in the heavens." This said, he fell upon his knees, and having made a short prayer, he was tied to the stake, and then cried aloud, "O! Saviour of the world! have mercy upon me; Father of heaven! I commend my spirit to thy most holy hands." The executioners having kindled the fire, the powder that was fastened to his body blew up: the captain of the castle, who stood near him, perceiving that he was yet alive, bid him be of good courage, and commend his soul to God. "The flame," said he, "has scorched my body, yet has it not daunted my spirit; but he who, from yonder high place, (meaning the cardinal,) beholds us with such pride, shall within a few days lie in the same as ignominiously as now he is seen proudly to rest himself." After which, one of the tormentors drawing the cord that was about his neck, stopped his breath, so that he spoke no more: the fire increasing, his body was quickly consumed to ashes. This execution happened on the 2d of March, 1545. The cardinal, as Wishart had predicted, lived but a little while after; for he was, on the 28th of May next following, surprised and assassinated by Norman Lesley, John Lesley, William Kirkaldy of Grange, and others, in his castle of St. Andrews, and his body exposed to the people in the very same place where he sat to see Wishart's execution.

MRS. ARDEN,

AND DIVERS OTHER PERSONS, TRIED AND EXECUTED FOR THE MURDER OF MR. ARDEN, IN THE 5TH OF EDWARD VI. ANN. 1551.

THOMAS ARDEN was but a private gentleman, living at Feversham, in the county of Kent; yet the circumstance of his murder, the detection of it, and the punishment of the offenders, were so exceeding remark-

able, that it may very well be inserted in this place. He was a tall and comely person, and married a gentlewoman who was young, well-shaped, and every way handsome; who having unhappily contracted an unlawful familiarity with one Mosbie, a black swarthy fellow, servant to Lord North, it happened by some means or other that they fell out, and so continued at variance for some time: but she being desirous of a reconciliation, and to use her former familiarity with him, sent him a pair of silver dice by the hands of one Adam Fowle, living at the Flower-de-Luce, in Feversham, for a present.

This brought them together again, so that Mosbie lay often in Arden's house, and in a short time the intercourse between them was so open, that Mr. Arden could not but perceive it; although common report says that he winked at it, for fear of disobliging her relations, from whom he had some great expectations. Having continued their lewd practices for a considerable time, the woman doated more and more upon Mosbie, and began to loath her husband extremely; insomuch that she would have been glad to have found out a way to get rid of him. There was a painter at Feversham, who was reported to be versed in the art of poisoning; to him she applied herself, and asked him, "Whether he had any skill in that or not?" The man seeming to own it; she told him, "She would have such a dose prepared as would make a quick dispatch." "That I can do," said he; and so he presently went to work, gave it her, with directions to put it into the bottom of a porringer, and so to pour milk upon it: but the woman, forgetting the direction, put in the milk first, and then the poison. Now her husband designing that day to take his horse and ride to Canterbury, his wife brought him his breakfast, which was usually milk and butter. Having taken a spoonful or two of the milk, and liking neither the taste or colour of it, he said, "Mrs. Alice, what sort of milk is it you gave me?" Upon which she threw down the dish, and said, "I find nothing can please you:" upon which he went away for Canterbury, and by the way vomited extremely, so that he escaped for that time.

Arden's wife became afterwards acquainted with one

Green, of Feversham, a servant of Sir Anthony Agers; from which Green, Arden had wrested a piece of ground, lying on the back side of the abbey of Feversham; about which some blows and many menacing expresions had passed between them; and therefore the woman knowing that Green hated her husband, she began to concert with him how to make away with Arden. The agreement at last was thus: that if they could procure any one to murder her hushand, he should have ten pounds for his wicked pains. Now Green having some business to be transacted at London, for his master Sir Anthony, set out for that city, where his master then was, and having a charge of money about him, he desired one Bradshaw, a goldsmith of Feversham, and his neighbour, to go with him as far as Gravesend, and he would satisfy him for his trouble. When they had got as far as Rainham Down, they saw some gentlemen coming; Bradshaw discerned a man coming up the hill from Rochester, armed with a sword and buckler, and another with a huge staff upon his shoulder, and thereupon said to Green, "It is well that there is some company coming after us, for there is coming up against us as murdering a villain as any in England; and were it not for the other people, we should scarce be able to come off without the loss of our lives and money." Green, as he afterwards confessed, imagining that such an one was fit for his purpose, asked the other, "Which is he?"—"That's he," quoth Bradshaw, "who has the sword and buckler; his name is Black Will."—"How do you know that?" said Green: Bradshaw answered, "I knew him at Boulogne, where he was a soldier, and I was Sir Richard Cavendish's man, and there he committed several robberies and horrid murders, between the passes of that town and France."

By this time the company having overtaken them, they advanced all together, and met Black Will and his companion. Some of the strangers, knowing Black Will, asked him how he did, and whither he was going? he answered by his blood, for he accented almost every word with an oath, "I know not, neither do I care, I'll set up my stick, and go as it falls."—"Then," said they to him, "if you will go back with us to

Gravesend, we will give you a supper."—"By my blood," said he, "I care not, I'll go along with you." As they travelled on, Black Will claimed an acquaintance with Bradshaw, saying, "Friend Bradshaw, how dost thou do?" Bradshaw, having no mind to renew his acquaintance, or to have any thing to do with such a horrid fellow, replied, "Why, do you know me?"—"Yes, that I do," said he, "did we not serve together at Boulogne?"—"I beg your pardon," said Bradshaw, "I had forgot you."

Then Green entered into discourse with Black Will, and said, "When you have supped, come to my quarters, at such a sign, and I will give you some sack and sugar."—"By my blood," said he, "I thank you." Thither he went, according to his promise, and was well-treated. Then Green and he went and talked together, aside from Bradshaw, and the former proposing to give the other ten pounds to kill Mr. Arden, he answered, with a great oath, "He would if he could but know him."—"I'll shew him to you to-morrow, in St. Paul's," said Green. When they had done talking, Green bid him go home to his quarters; and then, sitting down, he wrote a letter to Mrs. Arden, wherein, among others, he made use of these expressions:—"We have got a man for our purpose; we may thank my brother Bradshaw for it." Bradshaw, knowing nothing of the matter, took the letter, and went the next morning and delivered it to Mrs. Arden, while Green and Black Will bent their course to London.

Green, at the time appointed, shewed Black Will Mr. Arden, walking in St. Paul's; upon which Black Will asked him, "Who is he that follows him?"—"Marry," said Green, "one of his men."—"By my blood," quoth Will, "I'll kill them both."—"Nay," said Green, "do not do that, for he is in the secret."—"By my blood, I care not for that, I will kill them both," replied he. "By no means," said Green. Then Black Will proposed to murder Mr. Arden in Paul's Church-yard, but there were so many gentlemen with him, that he could not effect it. Green imparted the whole discourse to Arden's man, whose name was Michael, and who ever after was afraid lest Black Will should kill him. The reason why Michael conspired

with the rest against his master was, because he should marry a kinswoman of Mosbie's.

Mr. Arden taking up his lodgings in a certain parsonage-house which he had in London, Michael and Green agreed that Black Will should go thither in the night-time, where he should find the doors left open for him to go in and murder Mr. Arden. Michael having put his master to bed, left the doors open according to agreement, though Mr. Arden, after he was in bed, asked him if had made them all fast, to which he answered, "Yes." But afterwards growing afraid when he had got to bed, lest Black Will should kill him as well as his master, he rose, shut the doors, and bolted them very fast; insomuch, that when Black Will came thither, and could find no entrance, he returned in great fury, that he should be so disappointed, and in that mood he went next day to Green, swearing and staring like a madman, and with many horrible oaths and execrations threatened to kill Arden's man first, wherever he met him. "Nay," said Green, "Pray forbear that, let me first know the reason why the doors were shut."

Green having found out Arden's man, and expostulated the matter with him about his not leaving the doors open, according to his promise, Michael, who had framed his answer before, said, "Marry, I will tell you the reason; my master last night did that which I never found him to do before; for, after I was in bed, he got up himself and shut the doors, and chid me severely in the morning for my carelessness in leaving them open." This pacified Green and Black Will. Now Arden having done his business in London, and being ready to return home, his man went to Green and informed him his master would go down that night: Upon this they agreed, that Black Will should kill him on Rainham-down. When Mr. Arden had got to Rochester, his man growing apprehensive that Black Will would murder him as well as his master, he pricked his horse on purpose, and made him go lame, that so he might protract the time and stay behind. His master observing the lameness of his horse, and asking him the reason of it; Michael said, "He did not know."—"Well," quoth his master, "when we come

at the smith's forge, which is between Rochester and the foot of the hill over against Chatham, let him take off his shoe and search, and then come after me. So that his master rode on; but, before he came to the place where Black Will lay in wait for him, he was overtaken by several gentlemen of his acquaintance, so that the assassin failed here also to accomplish his bloody design.

After Mr. Arden had got home, he sent his man to the Isle of Sheppey, to Sir Thomas Cheney, then lord-warden of the Cinque-ports, about some business, by whom Sir Thomas sent a letter back to his master; but when he came home, his good mistress took and concealed the letter, and ordered the fellow to tell his master, that he had a letter for him from Sir Thomas Cheney, but that he had unfortunately lost it; and added withal, that he thought it would be his best way to go in the morning himself to Sir Thomas's, because he knew nothing of the contents of it. Having resolved to do so, he ordered his man to be up betimes in the morning: in the meanwhile Black Will, and one George Shakebag, his companion, were, by Green's appointment, concealed in a storehouse of Sir Anthony Agers, at Preston, to which place Mrs. Arden went to see him, who brought and sent him victuals and drink several times: he was charged very strictly to be up early in the morning, to waylay Mr. Arden in a broom-close, between Feversham and the Ferry, and there to murder him. Now Black Will was up in the morning betimes, but missing his way, he tarried in a wrong place.

Arden and his man, early in the morning, riding towards Shornlan, where Sir Thomas Cheney lay, when they were come near the broom-close, Michael, who was ever afraid that Black Will would murder him with his master, pretended he had lost his money-purse: "Why," said his master, "thou foolish fellow, couldst thou take no more care of thy purse? How much was there in it?"—"Three pounds," said he. "Go back, you fool," quoth his master, "and look for it; it is so early that there is nobody yet stirring, thou mayst be sure to find it, and so make haste and overtake me at the Ferry. But Arden nevertheless escaped this time, by

reason of the mistake of Black Will, who thought he was sure of him in his return home: but whether some of the lord-warden's servants attended him back to Feversham, or that he considered it was too late for him to go through the broom-close, and so took another way, Black Will once more failed to execute his murdering designs.

St. Valentine's day being near, the villainous crew thought it a proper time to perpetrate their wicked devices; Mosbie intended to pick some quarrel or other with Arden at the fair, and so fight with him, saying, he could not find in his heart to murder a gentleman in such a manner as his wife would have it; though they had made mutual promises to each other, to be altogether as man and wife, and had thereupon received the sacrament at London openly together. But this project of quarrelling with Mr. Arden would not do, for though he had been often before and was then also highly provoked by Mosbie, he would not fight. Mosbie had a sister, who lived in a tenement of Arden's near his house in Feversham, so that Black Will, on the eve of the fair, was sent for to come thither. Green was the man that brought him, and met Mrs. Arden accompanied with Michael her man and one of her maids; there were also present Mosbie and George Shakebag, and here the plot was laid to murder Arden in the manner they afterwards perpetrated the horrid fact.

Mosbie, indeed, at first, would not consent to so base and cowardly an act, but flung away in a fury, and went up Abbey-street towards the Flower-de-Luce, the house of Adam Fowle, whither he often resorted; but before he got thither, he was overtaken by a messenger sent after him by Mrs. Arden, importuning him, by all means, to return, which he did accordingly: and then she fell down upon her knees before him, and pressed him to go through with the business if he had any manner of love for her, and as she had several times told him, he might be assured there was nobody that would be concerned at his death, or make any search after them that dispatched him.

The importunity of the wicked woman at length prevailing; he was brought to a compliance with the accursed project, and thereupon Black Will was con-

veyed into Mr. Arden's house, and hid in a closet at the end of the parlour, before which they had sent all the servants out upon some pretence or other, except those who were privy and consenting to the villainous design: Mosbie went and stood at the door in a silk night-gown tied about him, between the hours of six and seven at night; soon after which Arden, who had been at a neighbour's house called Dumpking, and had cleared some accounts that were between them, went home, and finding Mosbie at the door, asked him "If it was not supper-time?"—"I think not," said he, "I believe it is not yet ready."—"Then," quoth Mr. Arden, "let us in the mean time go and play a game at tables," and so going directly into the parlour through the hall, where his wife was walking, Mr. Arden said to her, "How now, Mrs. Alice?" but she made him little or no answer. In the mean time the wicket-door of the entry was chained by somebody, and when they had got into the parlour, Mosbie sat down on the bench, facing the closet wherein Black Will was hid; Michael, Arden's man, stood behind his master, with a candle in his hand, to shadow Black Will, that his master might by no means perceive him come out of the closet: in their play, Mosbie said, (and that was the signal for Black Will to come out,) "Now, sir, I can take you if I please."—"Take me," said Arden, "which way?" With that Black Will rushed out of the closet, and threw a towel about his neck, to stop his breath and strangle him; then Mosbie having a pressing-iron, weighing fourteen pounds, at his girdle, struck him so on the head with it, that he knocked him down, upon which he gave a loud groan, which made them believe he was killed.

From the parlour they carried him into the counting-house, where, as they were about to lay him down, the pangs of death came upon him, and groaning in a most grievous manner, he extended himself, and Black Will giving him a terrible gash in the face, slew him outright; then he laid him along, took his money out of his pocket, and the rings off his fingers, and coming out of the counting-house, said, "The business is over, give me my money;" upon which Mrs. Arden gave him

ten pounds, and then he went to Green's, borrowed a horse of him, and rode away.

After Black Will was gone, Mrs. Arden went into the counting-house, and with a knife stuck the corpse seven or eight times in the breast; then they cleaned the parlour, wiped away the blood with a cloth, and strewed the rushes which had been disordered during the struggle. The cloth and the bloody knife wherewith she had wounded her husband they threw into a tub by the well's side, where they were afterwards both found. This done, she sent for two Londoners then at Feversham to come to supper, to which they had been invited before the horrid murder was committed: they were grocers by trade, and their names were Prune and Cole; when they came she said, "I wonder where Mr. Arden is? He will not stay long; come, let us sit down, he will be quickly with us." Then Mosbie's sister was sent for, and sat down with them, and they were all very merry.

When supper was over, Mrs. Arden made her daughter play on the virginals, and they danced, and she amongst them, frequently saying, "I wonder Mr. Arden stays so long; come let us sit down, he will surely soon be with us; let us play a game at tables." But the Londoners said, "They must go to their lodgings, or else they should be locked out," and so took their leave of the company and departed. As soon as they were gone, the servants, who were not privy to the murder, were sent into the town, some to look for their master, and others upon other errands; then Michael, a maid, Mosbie's sister, and one of Mrs. Arden's own daughters, took the dead body, and carried it out into a field adjoining to the church-yard, and to his own garden-wall, through which he went to church. In the mean time it began to snow, and when they came to the garden-door, they had forgot the key, so that one of them was sent to fetch it; it was brought at last, and the door being unlocked, they conveyed the corpse into the field, about ten paces from the door of that garden, and laid it down on its back, in its night-gown and slippers, between one of which and the foot stuck a long rush or two.

Having, by this management, effectually secured themselves, as they imagined, from all manner of discovery, they returned the same way into the house; the doors were opened, and the servants, which had been sent into the town, being come back, it was, by this time, grown very late: however, the wicked woman sent her people out again in search for their master, directing them to go to such places where he mostly frequented, but they could hear no manner of tidings of him; then she began to exclaim, and wept like a crocodile: this brought some of her neighbours in, who found her very sorrowful, and lamenting her case, that she could not find out what was become of her husband. At last, the mayor of the town and others went upon the search for him. Here we are to observe, that the fair was wont to be kept partly in the town, and partly in the abbey, but Arden procured it to be wholly kept in the abbey-ground, of which he had made a purchase; and, by this means, being like to have all the benefit of it, to the prejudice of the town and inhabitants, he was bitterly cursed for it. After they had searched other places up and down, they came, at length, to the ground where the dead body was laid; where Prune, the London grocer, above-mentioned, happening to spy it first, called to the rest of the company, who, narrowly viewing the same, found it to be the corpse of Arden, and how it was wounded; they found the rushes sticking in his slippers, and found some footsteps of people in the snow, between the place where he lay and the garden door.

This causing suspicion, the mayor ordered every body to stand still, and then appointed some of the company to go about to the other side of the house and to get in that way, and so through into the garden, towards the place; where, finding the prints of people's feet all along before them in the snow, it appeared very plain that he was conveyed that way, through the garden into the place where they had laid him.

The mayor and the company hereupon went into the house, and being no strangers to the ill-conduct of Mrs. Arden, they very strictly examined her about her husband's murder: She defied them, and said, "I would have you to know I am no such woman:" but they having found some of his hair and blood near the

house, in the way he was carried out, as also the bloody knife she had thrust into his body, and the cloth wherewith the murderers had wiped off the blood spilt in the parlour; these things were urged so home, that she confessed the murder, and upon beholding her husband's blood, cried out, "Oh! the blood of God help me, for this blood have I shed." She then discovered her guilty associates.

Mrs. Arden, her daughter, Michael, and the maid, were seized and sent to prison; then the mayor and the rest that attended him, went to the Flower-de Luce, where they found Mosbie in bed: they soon discovered some of the murdered person's blood upon his stockings and purse, and when he asked them what they meant by coming in that manner, they said, "You may easily see the reason;" and, shewing him the blood on his purse and hose, "these are our evidences." He thereupon confessed the horrid fact, and was committed to prison, as well as all the rest of the bloody crew, except Green, Black Will, and the painter, which last was never heard of after.

Some time after, the assizes were held at Feversham, where all the prisoners were arraigned and condemned. There are no parts extant, that we can possibly meet with, of the formality of their trials; the confession they had made of the cruel fact, could not admit much of it; only there was one unhappy circumstance which attended it, that an innocent man should suffer with the guilty; for Mrs. Arden accused Bradshaw, upon the account of the letter sent by Green from Gravesend about Black Will, as before related. All the business was, that by the description Bradshaw gave of Black Will's qualities, he judged him to be a proper instrument for the perpetration of the intended murder; to which, as Green some years after at his death declared, he was no way privy: Nevertheless, the man, upon Mrs. Arden's accusation, was presently taken up and indicted as a procurer of Black Will to murder Mr. Arden. The man made all the defence he could for his life, and desiring to see the condemned persons, he asked if they knew him, or ever had any conversation with him, and they all said no. Then the letter was produced and read. Here the prisoner told the court the very truth

of the matter, and upon what occasion he had told Green what he said of Black Will, but it availed him nothing; condemned he was, and suffered death for a murder he had no manner of knowledge of, and which he denied to the last.

As for the real bloody criminals, they were executed in several places; for Michael, Mr. Arden's man, was hanged in chains, at Feversham, and one of the maid-servants was burned there, most bitterly lamenting her condition, and loudly exclaiming against her mistress, who had brought her to that deplorable end, for which she would never forgive her. Mosbie, and his sister, were hanged in Smithfield, at London. As for Mrs. Arden, the founder of all the mischief, she was burnt at Canterbury. Green returned some years after, was apprehended, tried, condemned, and hanged in chains, in the high-way between Ospringe and Boughton, over-against Feversham: but, before his death, he proclaimed the innocence of Bradshaw, though it was then too late. Black Will was burnt on a scaffold, at Flushing, in Zeeland. Adam Foule, who lived at the Flower-de-Luce, in Feversham, was brought into trouble about this unhappy affair; he was carried up to London with his legs tied under the horse's belly, and committed to the Marshalsea: the chief ground for this was Mosbie's saying, that had it not been for Adam Foule, he had not been brought into that trouble, meaning the silver dice he had brought for a token from Mrs. Arden to him; but when the matter was thoroughly searched into, and that Mosbie cleared him of any manner of privicy to the murder, he was, at length, discharged.

WILLIAM PARRY, DOCTOR OF LAWS,

CONVICTED OF HIGH-TREASON, IN CONSPIRING THE DEATH OF QUEEN ELIZABETH, ANNO 1584.

William Parry was one of the younger sons of Harry ap-David, who lived in a little village called Northop, in the county of Flint, in North-wales, and kept a petty ale-house there; his mother was the reputed daughter of one Conway, parson of a parish, called

Holkin, in the same county. His eldest brother kept the same ale-house as their father had done before. When William had learned to read and write a little, he became a servant to one John Fisher, in Cheshire, who had some small smattering in the law, and served him several years as his clerk; during which time he learned the English tongue, and was suffered, when his master's business would allow it, to go to the grammar-school to learn latin, wherein he made some small proficiency. He was observed, while living in Cheshire, to be of a villainous disposition; he ran away from his master several times, who, when he caught him, chained, logged, and clogged him: but, at length, about the third year of the queen's reign, he took his final leave of him, and going to London to seek his fortune, he shifted from one service to another, at last took the character upon him of being a gentleman of an ancient family, and pretended especially, upon the account of his mother, to be of kin to Sir John Conway, and so to Mr. Edmund Nevil, who was a relation of the Earl of Westmoreland.

Putting himself thus forward in the world, it made way for his marriage with a pretty wealthy widow of South Wales, whose substance he soon spent; so that running much in debt, he had officers ever after him to arrest him: this put him upon matching with another widow, of the name of Heywood, who was rich and had a good jointure; but there was such inequality in their age, that she was old enough to be his mother. Being thus set up again he lived with more profuseness than before, and not only ill-used his wife, but debauched her daughter. His excesses soon brought him into streights again, and becoming indebted to Mr. Hugh Hare, who sued him for the money, Parry, by way of revenge, went, in the night-time, to Mr. Hare's chamber in the Temple, broke open his door, and assaulted and grievously wounded him, to the endangering of his life; for which fact he was indicted of burglary, and condemned to die for it.

How, or by whose intercession, he obtained her majesty's pardon does not appear; he tarried not long in England after he had got his liberty, but sojourning beyond the seas, and having conferences with Jesuits

QUARTERING OF Wm PARRY.

and the like people, he engaged in a design to assassinate the queen. Soon after his return, he endeavoured to have private access to her majesty, pretending he had things of very great importance to communicate to her; and being admitted to her, in an apartment in Whitehall, wherein there was only but one privy-councillor, and he at such a distance he could not hear what Parry said, he there pretended to discover to the queen part of the conferences he had had with the Jesuits and others, and especially with one Thomas Morgan, an English fugitive residing at Paris, concerning the assassination of her royal person, and that he did all this in order to discover to her the malicious designs and villainous machinations of her enemies. The queen gave him access to her in private, and frequently conversed with him, having conceived such an opinion of his fidelity, that she offered him a large pension; keeping the whole secret within her own breast, till such time as she discovered the same to some of the privy-council, and till it was found out that he had endeavoured to draw Mr. Nevil to be a confederate in the real plot.

Nevil, on his part, conceiving a great horror for such an ignoble and base design, discovered at large what had passed between him and Parry to a gentleman of good quality belonging to the court, who immediately imparting the same to her majesty, she ordered Nevil to be examined by the Earl of Leicester and Sir Christopher Hatton, to whom he firmly avouched all he had said to the gentleman. Orders were thereupon given that Parry should be sent to the secretary's office, who, pursuant to the directions he received from above, gave him to understand, that her majesty, in consideration of the respect she had for Parry, had pitched upon him on purpose to confer with the secretaries about an affair which highly concerned her, and that she did not doubt but he would discharge his duty to her, according to the extraordinary professions he had made to her. Then the secretary told him that there was some ill design against her person quickly to be put in execution, which she believed, from the confidence some of her most disaffected subjects reposed in him, he could not but be acquainted with, and that therefore it was her pleasure that he should tell him all he knew of that kind; and

whether he himself had dropt expressions to any body, though with no other intent than to sound his disposition, which might raise a suspicion as if he himself had harboured any such wicked design. But Parry utterly denying the matter with the greatest and most solemn protestations, the secretary told him, that there was a gentleman of quality, and every way as good as himself, and rather his friend than his enemy, that would avouch it to his face: Parry persisting still in the justification of his innocence, and that he knew nothing directly or indirectly of the matter, he lay that night at the secretary's house, and next morning desiring to speak with him, he declared to the secretary that he called to mind he once had some discourse with one Nevil, a kinsman of his, as he called him, concerning a point of doctrine, in an answer wrote to a book, entitled, "The Execution of Justice in England;" by which book, it was resolved that it was lawful to kill a prince, in order to propagate the catholic religion; but he protested they had no manner of words concerning any attempt against her majesty's person. Parry the next night was carried to the Earl of Leicester's house, and being there again examined by his lordship, the vice-chamberlain, and the secretary, he persisted in his denial of all that was laid to his charge; upon which, Nevil being produced, he justified the accusation to his face: but this was so far from bringing him to a confession, that he, in a very haughty and insolent manner, opposed Nevil's reputation with his own, saying, that his negative was as good as Nevil's affirmative, and would, by way of recrimination, lay the crime at Nevil's door; who being commanded by the committee to write down and sign all that he had said on that occasion, this was the substance of his narrative:—That William Parry last summer, soon after he had failed of obtaining the mastership of St. Catherine, went to Mr. Nevil's lodgings in White Friars, where he appeared to be a great malcontent, and bitterly inveighing against the queen, assured him, that while things stood as they were, he should never have any satisfaction of mind; but seeing, said he, I know you are of noble extract, and a man of resolution, if you will give me assurance either of concurring with me, or not to discover me, I'll show you

the only way to serve yourself. Nevil having given him his promise, and going according to appointment next day to Parry's house in Fetter-lane, he found him in bed, and ordering his servants presently to withdraw, he began thus :—"My lord," for so he styled Mr. Nevil, "I profess, before God, I have three reasons which chiefly induce me to engage in an enterprize I design to discover to you; and these are, the restoring of religion, preferring the Scotch line, and the advancement of justice, so strangely perverted during the present administration." Then he began to talk of such places as were most proper for letting in such foreign forces as should be approved of, in order to the carrying on of such designs as should be concerted; with this sort of conversation the time was spent till dinner, after which he resumed the discourse, and said, "If I am not mistaken, the taking of Queenborough Castle would hinder the queen's ships getting out of the river;" and finding Nevil did not contradict him, he took him by the hand, saying, "Nevil, this is nothing; if men were resolute, there is an enterprize of far greater moment in view, and much easier to be executed; an honourable action, and meritorious in respect to God and the world." Seeing Mr. Nevil desirous to know what that was, he did not boggle to say, in plain words, "It was to kill the queen; in which, if you will concur with me, I'll either lose my life or rid my country of her wicked and tyrannical government." Then, observing Mr. Nevil displeased with such works, he asked, "If he had read Dr. Allen's book, out of which he had cited authority for it." Mr. Nevil answered, "No, and that he did not believe that authority;" "Well," said he, "What will you say, if I shew a greater authority than this from Rome itself, even a plain dispensation for killing her, wherein you shall find it, as I observed before, to be a meritorious act?" Mr. Nevil replied, "Good cousin, when I see that I shall think it very strange, to find one man count that a meritorious act, which another takes to be a damnable one:" "Well, said Parry, "do me the favour to consider of it till to-morrow; and if a certain person is in town, I shall not fail to show you the instrument itself, and if he is not, he will come in five or six days, and if you will meet me then in Canon-row, we may take the sacrament

together to be true to one another, and then I will acquaint you both with the party and the thing itself." Here Mr. Nevil desired Parry to think better of it, as a thing of the last importance both as to soul and body. "I would to God," said Parry, "you were as fully satisfied in it as I am, for then you would undoubtedly do God good service."

About eight or ten days after, Parry coming to visit Nevil at his lodgings in Horn's Rents, in Holborn, as he often used to do, they took a walk into the fields, where he renewed his conversation about assassinating the queen, who, he said, did not deserve to live; and that he wondered Mr. Nevil was so scrupulous in the matter: then Mr. Nevil spoke of the impracticability of the enterprize. "Impracticable is it," quoth Parry, "I wonder at you, for in reality there is nothing easier; you are no courtier, and therefore know not her way of walking with a small retinue, and often very privately, in the garden, where I can easily have access to her, and you too when known at court: our business is to have a barge at hand to whip us down the river, where we shall have a ship ready to transport us out of the kingdom, if there is occasion; but I'll wager my head upon it, we shall not be pursued far." Here Nevil asked him, "How he would make his escape out of the garden, saying, he would not be allowed to carry any men with him; and then the gates would be locked."—"Well," said Parry, "if you are still of opinion that this way is too dangerous, we'll stay till she comes to St. James's, and, in the mean time, provide men and horses fit for the purpose: cannot each of us keep eight or ten men without being suspected? for my own part, I'll pick out such fellows as will follow me wherever I go; and resolute men, well provided every one with a case of pistols, can do wonders upon a surprize. If she has a hundred people about her, they shall not be able to defend her, when you on one side, and I on the other, come to discharge our pistols at her; it would be strange we should both miss her; but if our pistols fail, I shall labour hard with my sword before she shall escape."

Here Mr. Edmund Nevil, interrupting him, said, "Pray, good doctor, lay aside the thoughts of this odious enterprize, and let me hear no more of that

which my heart so much abhors; I wish to God the undertaking were just, I would then shew you whether I wanted courage or not."

The queen coming not long after to St. James's, Parry once more renewed his discourse to him about assassinating her majesty, persuading him, with great earnestness and importunity, to concur with him in it, saying "He took him to be the only man, upon the account of his valour and religion, that was likely to perform it." Here Mr. Nevil seemed as if he was more inclined to hearken to him than before, in expectation he might be induced then to open his mind to somebody else, that might bear witness of the same as well as himself; this did not take effect. Lastly, Parry, on the 6th of February, in the afternoon, went to Nevil's chamber, and desiring to speak with him apart, they withdrew to the window, where Nevil told him, that a learned man whom he met by chance in the fields, and to whom he put the question about the assassination, answered, "It was a most villainous and damnable enterprize," and advised him to get clear of it. Parry then desired to know what that man's name was, and what was become of him, saying, in a scornful way, "No doubt he is a very wise man, and you wiser in believing him;" adding, "I hope you did not tell him I had any instrument from Rome?"—"Yes, indeed, I did," said Nevil; he then replied, "I wish you had not named me, nor said any thing about what I had from Rome." Then he earnestly pressed Nevil to go forthwith beyond sea, promising to secure him a safe passage into Wales, and from thence into Bretagne: but Nevil, instead of that, resolved to discharge his conscience, and to discover his most traitorous and horrid designs against her majesty.

Parry for his treasons being committed prisoner to the Tower, was, on the 11th of February, examined there by the Lord Hunsdon, Sir Christopher Hatton, vice-chamberlain, and Sir Francis Walsingham, secretary-of-state, and did voluntarily, and without any constraint, confess by word of mouth, and afterwards put down in writing, and send to court by the lieutenant of the Tower, an account of his treasons against the queen to this effect:

"In the year 1570, I was sworn one of her majesty's servants, whom, till 1580, I served, honoured, and loved with as much

sincerity and respect as any poor subject in the kingdom. About the end of that year, and until Midsummer 1582, I underwent some trouble about wounding a gentleman of the Temple, for which I was so disgraced and oppressed by two great men, to whom, nevertheless, I have been lately beholden, that I have never had any peace of mind after; this laid the foundation of my ruin. I endeavoured, the July following, to get leave to travel for three years, and having reached Paris in September, I was reconciled to the church of Rome; from thence I went to Milan, where having discharged my conscience, and justified myself in point of religion before the inquisition, I removed to Nice, and there became acquainted with Father Benedict Palmo, a grave and learned jesuit, with whom conferring about the difficulties the catholics laboured under in England, and the reading of some books upon that head, I devised a way for their relief, provided the pope and some learned divines would approve of the justice of it. I proposed it first to Palmo, who commended my zeal, encouraged me in it, and in some time brought me acquainted with Campeggio, the pope's nuncio in that city. Hereupon I wrote to the pope, desired a safe conduct to Rome, and so back into France. Cardinal Como sent me an answer, I might come and welcome; but I not thinking that sufficient, desired better security, which not coming before my departure to Lyons, I received in that city an ample passport to go to Rome, *In verbo Pontificis per omnes jurisdictiones ecclesiasticas, absque Impedimento.* I acquainted some of the fathers there with the necessity I was under, by promise, to set out for Paris, where, upon my arrival, being one day in the chamber of Sir Thomes Morgan, a gentleman well beloved and much confided in on that side of the water, and talking among other gentlemen there of the affairs of England, Morgan desired me to go along with him into another room, and beginning to open his mind to me, said, 'It was to be hoped and expected that I should do some service for God and his church.' I made answer, 'I would do it, though I were to kill the greatest subject* in England, whom I named to him, and then really hated.'—'No, no,' replied he, 'let him live, that his fall and the ruin of his family may be the more conspicuous, I mean the queen.' I readily chimed in with him, and told him, 'That might soon be done, if it could be lawful, and warranted by the sentiments of some learned divines:' my scruples being once removed, I vowed to undertake the matter, in order to bring England back under the obedience of the Apostolic See. Several divines were proposed to me; I rejected Parsons, approved of Allen, and accidentally there came Wats, a learned priest, to confer with me about my design; this person declared openly, and without reserve, that it was unlawful; and I have heard that several English priests concurred with him in their opinions, unless they have altered them since the publication of 'An Answer to the Execution of the English Justice,' which I must confess bears hard upon me,

* Most probably Leicester.

and I am afraid will do the same with others, except the catholics are more tenderly used in England: but, notwithstanding many doubts were remaining in my mind, I was engaged so far by letters and other ways, to and from Italy, that I could not recede from my engagements, but promised faithfully to proceed with the intended enterprize, upon condition the pope granted me the full remission of my sins.

"Having communicated at one altar with the cardinals de Vendosme and Narbonne, and procured certificates from them to the pope, Morgan introduced me to the Nuncio Ragazzoni, who having undertaken to send my letters and the inclosed certificate to Rome, wished me good success, and promised I should be remembered at the altar. I had some discourse with Morgan about communicating this design to some trusty person, for the better furtherance of it: Several were named, but none agreed on for fear of a discovery; only he assured me, that the Lord Fernihurst, then at Paris, should, soon after my departure, go for Scotland, and be ready, upon the first information of the queen's death, to enter England with 20 or 30,000 men, to defend the cause of the Queen of Scots.

"Being returned to England, I procured access to the queen, to whom, in private, I discovered the conspiracy, in order to give it a better chance of success.* She heard me without being daunted. I departed from her not without being terrified, and cannot now forget what she then said, 'That no catholics should be called in question merely for religion or the pope's supremacy, provided they proved themselves good subjects.' In the mean while, I received letters from Cardinal de Como, wherein my enterprize was commended, and myself, in the pope's name, absolved. These letters I imparted to the queen; what effect they wrought upon her I know not, to me they certainly added courage, and yet I was not resolved to offer her any violence, if she could by any means be persuaded to deal more favourably with the catholics; and, therefore, lest I should commit the murder, I laid my dagger aside as often as I had access to her person. When I seriously considered her and her truly royal virtues, I was distracted with dubious thoughts, for my vows were recorded in heaven, and my letters and promises among men; these things I often pondered with an unquiet mind; thereupon I would say to myself, 'But I never was beholden to her for any thing; have I not spent ten thousand marks since I came into her service, and never got any thing by her? my life indeed she once pardoned, but to have taken it away upon that occasion had been cruel and tyrannical.'

"Hereupon I departed from the court, very much dissatisfied with my condition: I lighted upon doctor Allen's book, wherein he asserted, 'That princes excommunicated for heresy, were to be deprived of their dominions and lives,' which book mightily

* A strange way to further a plot.

incited me to prosecute my enterprize. This book I read to Nevil, who had had his fingers often in my dish, and his hand in my purse, six whole months before he accused me. He came afterwards to me and said, 'Let us venture on somewhat, since we can get nothing from the queen,' and he made several proposals about setting the Queen of Scots at liberty: 'But I have,' said I, 'greater things in my head, and of more advantage to the catholic cause.' Next day he came and swore upon the bible, 'That he would conceal and constantly pursue any thing that should be for the good of the catholic religion,' and I swore the like. We then resolved, with ten horsemen, to set upon the queen, as she rode out to take the air, and to murder her; all which Nevil concealed till now: but having heard that the Earl of Westmoreland was dead, whose estate he had already swallowed in his imagination, he presently broke his oath, and accused me of these things; he acknowledged also his fault, begged pardon for the same in his letters to the queen, the Lord-treasurer Burleigh, and the Earl of Leicester."

We will now, after this confession of Parry, come to the formality of his trial. He was arraigned on the 25th of February 1584, at the Queen's Bench bar in Westminster Hall, by virtue of her majesty's commission of Oyer and Terminer; before,

Henry, Lord Hundson, Governor of Berwick.
Sir Francis Knolles, Treasurer of the Household.
Sir James Crofts, Comptroller of the Household.
Sir Christopher Hatton, Vice-Chamberlain.
Sir Christopher Wray, Lord Chief-Justice of England.
Sir Gilbert Gerrard, Master of the Rolls.
Sir Edmund Anderson, Lord Chief-Justice of the Common Pleas.
Sir Roger Manhood, Lord Chief-Baron of the Exchequer.
Sir Thomas Heneage, Treasurer of the Chamber.

After proclamation was made as usual, the lieutenant of the Tower was commanded to return his precept, which he did, and brought the prisoner to the bar, to whom Miles Sands, Esq., clerk of the crown, said, William Parry, hold up thy hand, which he did; then the clerk went on,

"Thou art here indicted by the oaths of twelve good and lawful men of the County of Middlesex, before Sir Christopher Wray, knt., and others, before whom you are received in the Indictment by the name of William Parry, late of London, gentleman, alias William Parry, late of London, doctor of law; for that you, as a false traitor to a most magnificent and truly christian princess, Queen Elizabeth, our most gracious sovereign and liege lady, not having the fear of God before your eyes, and without any

regard to your allegiance, but seduced by the instigation of the devil, and intending to withdraw and extinguish that hearty affection and just obedience which true and faithful subjects should bear to their sovereign, did, at Westminster, in the County of Middlesex, on the first of February, in the six and twentieth year of her majesty's reign, and at several other times and places in the same county, maliciously and traitorously conspire and compass, not only to deprive and depose our said sovereign lady from her royal state, title, and dignity, but also to murder and destroy her, and to raise seditions in the kingdom, to subvert the government thereof, and to subvert and to supplant the religion established in the queen's dominions.

"And whereas you have, by your letters to Gregory, Bishop of Rome, imparted your aforesaid purposes and designs, and at the same time prayed and desired him to give you absolution, and that afterwards, viz. on the last of March, in the 26th year aforesaid, you traitorously received letters from one Cardinal Como, directed to you, by which the same cardinal gave you to understand, that the Bishop of Rome had perused your letters, and approved of your design, and upon that account had absolved you of all your sins; and by the same letter animated and excited you to carry on your enterprize, and that thereupon you did, on the last of August, in the same year of her majesty's reign, at St. Giles in the Fields, in the said County of Middlesex, traitorously confer with Edmund Nevil, Esq.; and communicated to him all your wicked and traitorous devices, and then and there excited him to be assistant to and concur with you in the perpetration of those wicked treasons, against the peace of our sovereign lady the queen, her crown and dignity. What say you, William Parry, are you guilty of those treasons whereof you here stand indicted, or not guilty?

The indictment being thus read, the prisoner desired he might have leave to speak a few words, before he pleaded or confessed himself guilty. Then the clerk of the court said, "Parry, Parry, you must answer directly to the indictment, and say whether you are guilty or not?"

The prisoner hereupon said, "I confess I am guilty of all that is contained therein;" and added, "I do not desire to live, but die." "If you confess the charge," said the clerk of the crown, "you must do it in the same form and manner as comprehended in the indictment." To which he replied, "I do confess it in the manner and form as set down, and all the circumstances of it." Then the confession being read, and the queen's council being ready to demand judgment upon it, the vice-chamberlain said,

"The things contained in this indictment, and confessed by this person, are of so great importance, that they concern the

person of the queen's most excellent majesty in the highest degree, the state and well-being of the government, and the true christian religion settled in her dominions, as they plainly demonstrate the implacable hatred of the Bishop of Rome, who has shewn himself an enemy to God and religion, to all good princes and governments, and indeed to all good men; and, therefore, I desire, for the satisfaction of the auditory, that things may be put into their full light, that every body may see they are as bad as the indictment sets them forth, and as the prisoner has confessed them."

The court well knowing that the justice of the nation had of late been very impudently and most unlawfully censured, readily concurred with the motion, though his confession, in the eye of the law, was sufficient to authorize them to proceed to judgment. Wherefore the Lords and others that were the commissioners, together with the queen's council, and the prisoner himself, agreed that his confession of the 11th and 13th of February, 1584, before the Lord Hundson, Mr. Vice-chamberlain, and the secretary-of state, Cardinal Como's letters, and Parry's letters to the lord-treasurer and the lord-steward, should be read in open court; and Parry, in order to the fuller satisfaction of all present, offered to read them himself: but being told, that was the business of the clerk of the crown, he acquiesced. Here the vice-chamberlain having ordered the prisoner's confession, the cardinal's letters and his own aforementioned to be showed him, he looked them over carefully, leaf by leaf, confessed, and owned them in open court.

Then the vice-chamberlain said, "Before we proceed to shew what he has confessed, what do you say, you that are the prisoner at the bar? is what you have here confessed true? and have you freely, and of your own accord, confessed it, or was there any violence used to extort it from you?"—"Verily," said Parry, "I freely have made this confession without any manner of restraint; and it is all true, as I hope to be saved."

Then the prisoner's confession, under his own hand, was openly and distinctly read by the clerk of the crown in court, after which Cardinal Como's letter, in Italian, was, by the direction of the vice-chamberlain, delivered to Parry, who perused it, and openly affirmed it to be the cardinal's own hand and seal, with the cardinal's cap upon it: Now he himself reading it aloud, in Italian, and the court observing words in it which im-

ported it was written to a bishop, or a person of such dignity, the vice-chamberlain asked him, "If he had not been made a bishop?" he answered "No," and said, at first, "That these were terms suitable to the degree he had taken;" but afterwards added, "That the cardinal thought fit to write to him in that manner, out of the respect he bore to him." The English translation of the cardinal's letter was next read, and acknowledged by the prisoner to be a genuine version; and last of all, his own letters to the lord-treasurer and lord-steward, which he also acknowledged to be his hand-writing.

What makes the trial of this man exceeding remarkable is, that he should now begin to prevaricate and deny the fact. He first desired leave of the court to speak, to which the vice-chamberlain replied,

"If you have any thing to offer, for a fuller demonstration of the horrible facts you are guilty of, proceed: but if you intend to make any excuse about the things you have confessed, which otherwise would have been and are proved against you, for my own part I'll not sit to hear you."

Then the attorney-general standing up said,

"It appears before your lordships, that this man has been indicted and arraigned of several most grievous and horrible treasons, which he has confessed, and they are entered upon record; therefore, there remains no more to be done but for the court to pass sentence accordingly, which I do, in behalf of the queen's majesty, here demand."

The prisoner hereupon prayed to be heard for the clearing of his conscience, and said,

"I will not go about to excuse myself, nor endeavour to save my life; I value it not; you have my confession upon record, that is enough to take away my life; my design is to offer something more, for which I deserve to die. Pray hear, that I may disburthen my conscience."

To which the vice-chamberlain replied,

"Parry, do thy duty, clear thy conscience, and leave nothing undiscovered of thy wicked and villainous purposes."

Parry now went on,

"My cause is rare, singular, and unnatural; It was projected at Venice, in general expressions, laid before the pope, resolved on at Paris, commended and approved by the pope, and was to have been executed in England; yet I never intended to murder the queen, for which I appeal to herself, the lord-treasurer, and secretary-of-state."

Hereupon the Lord Hundson interrupting him, said,

"Have you so often acknowledged it, and so distinctly under your own hand, which is here upon record, and yet now, when sentence is to pass upon you, pursuant to your own confession, will you recede from it, and deny the whole? how can we believe what you say?"

Then said the vice-chamberlain:

"This is an absurdity, indeed; have you not only confessed, in general terms, that you were guilty of the indictment, which, summarily and in express words, sets forth how you had traitorously compassed and imagined the queen's death and destruction, but also owned particularly that you were guilty of all and singular the treasons contained therein, of which that was one expressly mentioned and read to you: nay, you said, you were guilty of more treasons besides. And did you not, upon your examination, freely confess how you were first incited to it from a dissatisfaction with your condition, after you had quitted the kingdom? How you were persuaded by wicked papists, and induced by the reading of Popish books, to believe it to be lawful to murder her? How, by your reconciliation with the church of Rome, you were become one of that wicked crew, who accounted her majesty to be neither a lawful queen nor a christian; and that it was a meritorious act to destroy her? And did you not write to the pope to let him know your intention, and receive letters from the cardinal, importing the pope's approbation of it, and exciting you to perpetrate the fact, upon which you desired absolution? And did you not contrive, promise, vow, and swear it, and took the sacrament upon it? Did you not thereupon affirm that your vows were in Heaven, and your letters and promises upon earth, to oblige you to it? And that, whatever the queen would have done for you, it would never have diverted you from your intentions and purposes, unless she would have desisted from her severities to the Catholics, as you call them? This you have plainly confessed; and I do declare, in the presence of the whole assembly, that you have confessed it plainer and in better terms than my memory can supply me with, and do you now say, that you never intended it?"

"Ah," said the prisoner, "your honours know how my confession was extorted from me upon my examination."

This made the Lord Hunsdon and the vice-chamberlain openly declare, that there was no torture nor threats used to him: but Parry replied, that they told him, if he did not make a voluntary confession, he should be tortured. They made answer, that there was not one word said to him about torturing at all. "You said," quoth Parry, "that you would proceed with rigour against me, if I would not confess of my own accord;" which they positively denied; but, said the vice-chamberlain,

"We'll tell you what we spoke; these were my words, if you will readily tell the truth of yourself, it may do you service, and I desire you would do so; if you will not, we must then proceed, in the usual method, to take your examination; to which you answered, that you would of yourself tell the truth. Was not this true?"

The prisoner having acknowledged it, the attorney-general reminded Parry of certain expressions he had used to the lieutenant of the Tower, queen's sergeant-at-law, Mr. Gandy, and to himself, on the 20th of February last, in the Tower, when he was examined by them there, according to the lords' order, which were to this effect: That he acknowledged that he was most gently and favourably used in all his examinations, and he then, at the bar, owned the same to be true.

Here the prisoner, in a rage, cried out,

"I'll lay my blood upon the queen and you, before God and the world."

And then flying out into a passion, and abusing the attorney-general; the Lord Hunsdon said:

"This is nothing but a Popish pride and ostentation, in order to make those of thy faction and party to believe, that you are put to death for your religion, whereas you are to suffer for a most horrible and dangerous conspiracy against your queen and country. As for your blood, you ought to lay that at your own door, as the just reward of wickedness; you are, according to your own confession, most justly condemned by the laws of the land, for conspiring the death of the queen and all of us: therefore, let thy blood be upon thyself; neither the queen nor we have ever sought it, thou spillest it thyself."

Here he was asked what he could say why sentence of death should not be passed upon him; he answered, "He saw he must die, because he was not settled." —"What do you mean by that?" said the vice-chamberlain. "Look," said he, "into your study, and into your new books, and you will find what I mean." —"I protest," said the vice-chamberlain, "I do not know what you mean: you do not do well to use such dark expressions, without explaining yourself." But he said he did not value death, and that he would lay his blood amongst them. Then the lord-chief-justice, being required to give judgment according to law, said to Parry,

"You have been long heard, and what you mean by being

settled, I do not understand, but I find you are so settled in popery, that you cannot find yourself to be a good subject. As for what you have said concerning the delay of passing sentence upon you, you must either bring proof that the indictment, which you have confessed to be true, is defective in law, or else plead something in reference to her majesty's clemency; what you have said besides, wherein you have used great freedom, is more than you could have demanded by law. These are the things that lie before you."

And the prisoner making no reply to his lordship, upon his asking him what he had to say to them; the chief-justice went on thus:—

"Parry, you have already been indicted of several horrible and vile treasons against your most gracious sovereign and native country; nothing more detestable than the matter of it, more subtle and dangerous than the manner of it, and more wicked and villainous than the means and occasion which lead thee to it. That you intended, it is very evident, from your own confession; the matter you went upon was the destruction of the sacred person of the queen, your sovereign and mistress, who had shewn you so much favour, and more than some of your betters could obtain; yea, the ruin of your native country, and of a most happy government, of which you are a member, and of such a queen who has conferred upon you the greatest blessings in this world, I mean your life, which by law you had forfeited, through her clemency; and yet you, who was her servant, sworn to defend her, conspired to take away her life with your bloody hands, who in mercy gave you yours.

"As to the manner, it was most subtle and dangerous, and you have exceeded all that have formed any conspiracy against her majesty before you; for you pretended only to make discovery of the evil designs of others against her, with an intention to have the more free access to, and to obtain greater credit with, her majesty, that you might have the better opportunity to assassinate her. Lastly, for the means and occasions that edged thee on, they were most impious and villanous; being the exhortations of the pope, papists, and popish books; the pope pretends to be a pastor, but, in reality, is so far from feeding Christ's flock, that he rather seeks, like a wolf, to devour and suck the blood of good christians, and does as it were thirst for that of our most gracious queen and sovereign. Now these papists, whilst they pretend to write divinity, do, in reality, most wickedly teach and inforce what is quite contrary to God and his word; for the Scripture teaches subjects to obey their princes, and forbids any private man to kill; but they instruct subjects to disobey their princes, and that a private wicked person may kill; and who, I pray? A most pious queen, and their own natural and most gracious sovereign. Let every body, therefore, beware how they receive any thing from them, hear or read any of their books, and how they confer with any of the popish religion. God grant that her

majesty may always take warning from you, how she trusts such people to approach her person.

"If you will but consider the end you aimed at in this, you will find it to be wretched and foolish; you imagined it was to relieve those you call catholics, who, of all others, were the most likely to suffer most, if you had compassed your wicked design. But seeing you have been indicted of the treasons laid in the indictment, and arraigned upon it, and have owned yourself guilty of them, the court does award, that you shall be conveyed from hence to the place from whence you came, and so drawn through the high streets of London to the place of execution, and there to be hanged and cut down alive; thy privy parts to be cut off, and thy entrails taken out and burnt before thy face; then thy head to be cut off, and thy body quartered, and to be disposed of as her majesty shall think fit, and the lord have mercy on thy soul."

The prisoner was still outrageous and lavish of his words, and among other extravagant expressions, summoned the queen to answer for his blood before the tribunal of God. Upon which the lieutenant of the Tower was commanded to take him away from the bar, and upon his departure, the people being deeply affected with the horror of his intended enterprize, ceased not to pursue him with their outcries, "Away with the traitor, away with him."

Being conveyed in a barge to the Tower, he was, on the 2d of March, pursuant to a warrant from the same commissioners of Oyer and Terminer, delivered by the lieutenant early in the morning to the sheriffs of London and Middlesex, who received him on Tower-hill, and, according to the sentence, having placed him on a hurdle, he was drawn through the midst of the city to the Palace Yard in Westminster, where, having a long time allowed him to prepare for death, he averred, after some other vain expressions, he never had any intention to murder the queen; and so, without desiring people to pray for him, or using any public prayer by himself, by any thing that appeared, but only a private prayer, if he used any, he was executed according to the tenour of the sentence passed upon him.

MARY, QUEEN OF SCOTS,

TRIED AND BEHEADED FOR CONSPIRING THE DEATH OF QUEEN ELIZABETH, &c. ANN. 1586.

THIS queen having been dethroned by her own subjects, and flying into England for refuge, continued under confinement many years; but having entered into plots and conspiracies against Queen Elizabeth, the privy-council varied in their opinions what should be done to her on that account; some thought, that no new rigorous course was to be taken with her, but only that she should be put under a closer confinement, both because she was not the author of the mischief, but only accessary to it, but, also, because she was sickly, and not likely to live long. Others were of opinion, that for the security and preservation of our religion, she was forthwith to be put to death, and that by due course of law. The Earl of Leicester thought it was best to be done by a dose of poison, and sent a divine privately to Sir Francis Walsingham, secretary-of-state, to satisfy him as to the lawfulness of it; but Walsingham protested, that he was so far from consenting that any violence should be offered her, that he had but lately thwarted the advice of the Earl of Morton, who would have had her sent back into Scotland, and put to death on the frontiers of that kingdom.

The lords differed, likewise, in their opinions as to what law she should be tried by; whether by the statute of the 25th of Edward III. (whereby all are made guilty of treason who shall compass or imagine the destruction of the king or queen, raise war in his or her kingdom, or adhere to his or her enemies) or by the new late act of the 27th Queen Elizabeth. After a long discussion of the matter, it was carried for the latter act, as being made for that very purpose and occasion, and, therefore, to be put in execution.

To the end, therefore, that process might be made, and sentence pronounced according to this act, made the preceding year against all such as should raise rebellion, invade the kingdom, or attempt any violence to the queen's person, several of the privy-council, and

MARY QUEEN OF SCOTS.

Engraved by Neele & Stadden 352 Strand.

others of the nobility of England, were made commissioners, by the queen's patent, for the trial, whose names we have thought fit to insert out of the very original, which runs thus, in the ordinary form of the court:

" Elizabeth, by the grace of God, of England, France, and Ireland, queen, defender of the faith. To the most reverend father in Christ, John, Archbishop of Canterbury, primate and metropolitan of all England, and one of our privy-council; and to our trusty and well-beloved Sir Thomas Bromley, knt., Chancellor of England, and one of our privy-council; and also to our trusty and well-beloved William, Lord Burleigh, lord-high-treasurer of England, another of our privy-council; and also to our most dear cousin William, Lord Marquis of Winchester, one of the lords of the parliament; to our most dear cousin Edward Earl of Oxford, great chamberlain of England, another of the lords of parliament; and also to our most dear cousin George, Earl of Shrewsbury, earl-marshal of England, another of our privy-counucil; and to our most dear cousin Henry, Earl of Kent, another of the lords of the parliament; and also to our most dear cousin Henry, Earl of Derby, another of our privy-council; and to our most dear cousin Edward, Earl of Rutland, another of the lords of the parliament; and to our most dear cousin Ambrose, Earl of Warwick, master of our ordinance, another of our privy-council; and to our most dear cousin Henry, Earl of Pembroke, another of the lords of the parliament; and also to our most dear cousin Robert, Earl of Leicester, master of our horse, another of our privy-council; and to our most dear cousin Henry, Earl of Lincoln, another of the lords of the parliament; and also to our most dear cousin Anthony, Viscount Montague, [Montacute] another of the lords of the parliament; and to our trusty and well-beloved Charles Lord Howard, our high-admiral of England, another of our privy-council; and to our trusty and well-beloved Henry, Lord Hundson, our lord-chamberlain, another of our privy-council; also to our trusty and well-beloved Henry, Lord Abergavenny, another of the lords of the parliament; and to our trusty and well-beloved Edward, Lord Zouch, another of the lords of the parliament; and also to our trusty and well-beloved Edward, Lord Morley, another of the lords of the parliament; and to our trusty and well-beloved William, Lord Cobham, lord-warden of the cinque-ports, another of the privy-council; and also to our trusty and well-beloved Arthur, Lord Grey of Wilton, another of the lords of the parliament; and also to our trusty and well-beloved John, Lord Lumley, another of the lords of the parliament; and also to our trusty and well-beloved John, Lord Stourton, another of the lords of the parliament; and to our trusty and well-beloved William, Lord Sandes, another of the lords of the parliament; and also to our trusty and well-beloved Henry, Lord Wentworth, another of the lords of the parliament; to our trusty and well-beloved Lewis, Lord

Mordaunt, another of the lords of the parliament; and to our trusty and well-beloved John, Lord St. John, of Bletsho, another of the lords of the parliament; and also to our trusty and well-beloved Thomas, Lord Buckhurst, another of our privy-council; and to our trusty and well-beloved Henry, Lord Compton, another of the lords of the parliament; and also to our trusty and well-beloved Henry, Lord Cheney, another of the lords of the parliament; to our trusty and well-beloved Sir Francis Knowles, knt. treasurer of our household, another of our privy-council; and also to our trusty and well-beloved Sir James Crofts, knt. comptroller of our household, another of our privy-council; and to our trusty and well-beloved Sir Christopher Hatton, knt. our vice-chamberlain, another of our privy-council; and also to our trusty and well-beloved Sir Francis Walsingham, knt. one of our principal secretaries, another of our privy-council; and also to our trusty and well-beloved William Davison, esq. another of our principal secretaries, and of our privy-council; and also to our trusty, and well-beloved Sir Ralph Sadler, knt. chancellor of our duchy of Lancaster, another of our privy-council; and also to our trusty and well-beloved Sir Walter Mildmay, knt. chancellor of our exchequer, another of our privy-council; and to our trusty and well-beloved Sir Amias Powlet, knt. captain of our Isle of Jersey, another of our privy-council; and also to our trusty and well-beloved John Wolley, esq. our secretary for the Latin tongue, another of our privy-council; also to our trusty and well-beloved Sir Christopher Wray, knt. chief-justice assigned for the pleas to be holden before us; and to our trusty and well-beloved Sir Edward Anderson, knt. our chief-justice of the bench; Sir Roger Manhood, knt. our chief baron of our exchequer; Sir Thomas Gawdy, knt. one of our justices assigned for the pleas to be holden before us; and William Periam, one of our justices of the bench, greeting, &c."

Then, after the recital of the act made the preceding year, it follows:

"Whereas, since the end of the session of parliament, viz. since the first day of June, in the 27th year of our reign, divers things have been compassed and imagined, tending to the hurt of our royal person, as well by Mary, daughter and heir of James V. King of Scots, and dowager of France, pretending a title to the crown of this realm of England, as by divers other persons, with the privity of the said Mary, as we are given to understand. And, whereas, we do intend and resolve that the aforesaid act shall be in all and every part thereof duly and effectually put in execution, according to the tenour of the same, and that all offences abovesaid in the act abovesaid mentioned, as aforesaid, and the circumstances of the same, shall be examined, and sentence or judgment thereupon given, according to the tenour and effect of the said act. So to you, and the greater part of you, we do give full and absolute power, licence, and authority, according to the tenour of the said act, to examine all and singular matters compassed and

imagined, tending to the hurt of our royal person, as well by the aforesaid Mary, as by any other person or persons whatsoever, with the privity of the said Mary, and circumstances of the same; and other offences whatsoever, abovesaid in the act abovesaid, (as aforesaid) mentioned, and all circumstances of the same and every of them, and thereupon, according to the tenour of the act aforesaid, to give sentence or judgment, as, upon good proof, the matter shall appear to you: and, therefore, we command you, that you do, at such certain days and places, which you, or the greater part of you, shall, for that purpose, set and agree upon, diligently proceed upon the premises, in form aforesaid, &c."

The most remarkable thing in this commission, is the title given to the supposed offender; they call her only Mary, daughter of James V. King of Scots; and seem industriously to avoid naming her queen, or late queen, of that kingdom; then, for the trying of a crowned head by a formal process in law, at that time appeared a very odious and ghastly proceeding, although, since that period, men have become far less scrupulous.

The greatest part of these commissioners, on the 11th of October, met at Fotheringhay Castle, in the county of Northampton, seated upon the banks of the river Nen, where the Queen of Scots was then in custody, and next day they sent Sir Walter Mildmay, Powlet, and Edward Barker, public notary, who delivered Queen Elizabeth's letters into her own hands. When she had read them, she said, with a countenance becoming her royal dignity, and with a quiet and sedate mind,

"It grieves me much, that the queen, my most dear sister, is suspicious of me; though I have given her full and faithful notice of several dangers that threatened her, yet, has no credit been given to me, but I have been still condemned and slighted, though I be so nearly allied to her in blood. When the association was entered into, and the act of parliament made thereupon, I foresaw, that whatsoever dangers should happen, either from foreign princes abroad, and ill-designed people at home, or for religion sake, I must bear all the blame, having so many mortal enemies in the court. Certainly, I might take it very ill, and that not without just reason, that a league has been lately made with my son, without my knowledge or privity, but such matters I omit. As for this letter, it seems strange to me, that the queen should command me, as a subject, to submit myself to a trial: I am an absolute queen, and will do nothing that may be prejudicial either to royal majesty, or to other princes of my

place and rank, or my son. My mind is not yet so far dejected, nor will I faint or sink under my calamity. I refer myself to what I have formerly protested before Bromley, now chancellor, and the Lord Laware. The laws and statutes of England are to me altogether unknown; I am destitute of counsellors, and who shall be my peers I cannot tell; my papers and notes are taken from me, and no man dares appear to be my advocate. I am clear of being guilty of any thing against the queen; I have stirred up no man against her, and am not to be charged but upon my own words and writings, which I am sure cannot be produced against me; yet can I not deny, but I have recommended myself and my condition to foreign princes."

Powlet and Barker returned to the Queen of Scots next day, and gave her to understand, that this answer of hers was put into writing, and asked her whether she would own it and abide by it? When she had heard it distinctly read, she acknowledged it to be rightly and truly taken, and said she would stand by it.

"But this," said she, "I have quite forgot, which I would now have added. Whereas, the queen writes that I am subject to the laws of England, and to be judged and tried by them, because I have lived under the protection of them; I answer, that I came into England to crave aid and assistance, and have been ever since detained in prison, so that I could not enjoy the protection and benefit of the laws of England; nay, I could never yet understand, from any man, what manner of laws those were."

In the afternoon of the same day, the commissioners deputed some of their own number, together with persons learned in the civil and canon law, to attend her; the lord-chancellor and the lord-treasurer justified their authority, and their intent and commission, and shewed that neither her prerogative nor royal majesty could except her from answering in this kingdom, and advised her, with fair words, to hear what should be objected against her; otherwise, they threatened, that, by the authority of the law, they both could and would proceed against her, though she were absent.

The queen answered,—

"That she would rather die a thousand deaths than acknowledge herself a subject; considering that, by such acknowledgment, she should both injure the sublimity of her royal dignity, and withal confess herself to be bound by all the laws of England, even in matters of religion: nevertheless, she was ready to answer to every thing in a free and full parliament: that as for that meeting or assembly, it was, for ought she knew, devised against her, (as being already condemned and prejudged to die) purposely

to have the face and colour of a just and legal proceeding. She advised them, therefore, to have a regard to their consciences, and to remember, that the theatre of the world was much more extensive than the kingdom of England."

Having spoken thus, and beginning to enter into complaints of the injuries which had been done her; the treasurer here interrupted her, and began to enumerate the queen's kindnesses for her; namely, that she had been a means to keep her from being condemned, by the estates of the realm, for endeavouring to marry the Duke of Norfolk, for the rebellion in the North, and several other things; all which she seemed to make slight of. They left her, and went back to their fellow-commissioners with a report of what was transacted by them at that time. Within a few a hours after, they sent Powlet and the attorney-general to her, with the substance of their commission, and the names of the commissioners; that she might see they were to proceed according to equity and reason, and not upon subtle devices of law, or pursue any extraordinary course or method. She made no objections against the commissioners, but spoke strongly against the new-made law, upon which the authority of their commission wholly depended; insisting,

"That it was unjustly devised on purpose against her; that it was without example, and to which she would never subject herself." She asked by what law they intended to proceed? "If by the civil or canon law, then," said she, "you must send for interpreters of them from Pavia or Poictiers, or some other foreign university; for there are none fit for it in England;" she added, also, "That it was very apparent, from the words in the queen's letters, that she was already prejudged guilty of the crime, before she was heard; and, therefore, there was no reason for her appearance before them." She farther required, "to have satisfaction given her concerning some doubts she had in respect to several things contained in those letters, which she had for her own satisfaction confusedly and in haste taken notice of, but would not deliver them in writing; "for," she said, "it was not consistent with her royal dignity to act the part of a scrivener."

The commissioners, who had attended her before, being sent to her again, she told them, "she did not understand what those words meant, seeing she is under the queen's protection." The lord-chancellor answered, "That it was plain to every body, that understood any thing, yet that it was not for subjects to

interpret what the queen's meaning was, neither were they commissioners for that end and purpose." Then she required to have her protest, which she had formerly made, shewed and allowed of. It was answered, "That it had never been, nor could now be allowed, because it was prejudicial to the crown of England."

The queen replied, "You make laws as you will, to which I have no reason to submit, considering that the English, in former times, refused to submit themselves to the salic law of France; and that, if they would proceed by the common law of England, they should produce presidents in the like cases; seeing that law was made up, in a great measure, of cases and customs: and if by the canon law, nobody ought to interpret the same but those that enacted it."

It was answered, "That they would proceed neither by the civil nor canon law, but by the common law of England; though it might be proved, both by the civil and canon law, that she ought to appear before them, if she would not refuse to hear it." She said, "She did not refuse to hear it, provided it were by an interlocutory, and not judicial way."

Then she fell upon other matters, saying, "That she had never entertained any thoughts tending to the destruction of the queen; that she had been provoked and incensed with several injuries and indignities, that she would be a stumbling-block to others, if she were so unkindly used; that she had by Nawe offered all her interest to revoke the pope's bull; that she would have justified her innocence by letters, but was not permitted to do it: finally, that all the offices of kindness and good-will which she had tendered these twenty years, had been rejected and slighted."

Having thus deviated from the affair that was proposed to her, they put her in mind of it, and desired her positive reply, whether she would answer before the commissioners, or not? She replied, "That their commission was founded upon the authority of a very modern law, enacted to circumvent her; that she could by no means away with the queen's laws, which she had reason to suspect; that she had still a good heart, full of courage, and would not derogate from her ancestors, the kings of Scotland, by owning herself a sub-

ject of the crown of England; seeing this would be no less than to own them to have been rebels and traitors. Nevertheless, she did not refuse to answer, provided she was not put upon the footing of a subject, but that she had rather utterly perish than answer as a criminal."

Sir Christopher Hatton, at that time vice-chamberlain, thereupon answered her, saying:

"You are accused, but not condemned, of having conspired the death of our lady and anointed queen; you say you are a queen; be it so; nevertheless, in such a crime as this, the royal dignity itself is not excepted from answering, either by the civil or canon law; nay, by the law of nations or of nature: for if it were allowed that such crimes might be committed with impunity, all justice would cease and fall to the ground. If you are innocent, you wrong your reputation, by declining a trial; you do protest your own innocence; the queen is of another opinion, not without good grounds for it, and is heartily sorry for the same; she has, therefore, deputed commissioners, who are persons of honour, prudence, and uprightness, to enquire into your innocence, who are ready to hear, according to justice, and they will be exceeding glad to find you able to clear yourself of such things as are to be laid to your charge. Believe me, the queen herself will be transported with joy, she having affirmed to me, when I was last with her, 'That nothing in the world ever troubled her more, than that you should be charged with such misdemeanors.' Wherefore, laying aside the fruitless claim and privilege of your royal dignity, which can now be of no use to you, appear to your trial, and manifest your innocence, lest, by avoiding it, you draw a suspicion upon yourself, and stain your reputation for ever."

"I do not refuse," replied the queen, "to answer in a full parliament lawfully assembled, provided I may be declared the next in succession to the crown; yea, before the queen and council, so that my protestation may be allowed of, and I be acknowledged the next of kin to the queen: I will by no means submit to the judgment of my enemies, before whom all the defence I shall make of my innocence will signify nothing." Then the lord-chancellor asked her, "Whether she would answer, if her protestation was admitted?" —"I will never," said she, "submit to the new laws mentioned in the commission." Then the lord-treasurer concluded, "We will, nevertheless, proceed to the trial to-morrow, though you should be absent and continue refractory." Upon which the queen said, "Examine your consciences, be tender of your honours;

God reward you and yours according to your judgment upon me."

The queen, on the 14th, in the morning, sent for some of the commissioners, and desired that her protestation might be admitted. The lord-treasurer asked her, "Whether she would appear at her trial if her protestation was received, and set down in writing without allowance? She gave way at last, though with great difficulty and reluctancy, lest she should seem, as she said, to derogate from the rights of her predecessors or successors; but was very desirous to clear herself of the crimes laid to her charge, being induced thereto by Hatton's reasons, which she had seriously weighed and considered.

The commissioners soon after met in the presence-chamber, at the upper end of which was placed a chair of state for the Queen of England, and under the canopy of state, over against it, below and at some distance, near the beam that ran across the room, stood a chair for the poor Queen of Scots; benches were placed by the wall on both sides, upon which sat

On one side.	*On the other side.*
The Lord-chancellor.	Lord Abergavenny.
The Lord-treasurer.	Lord Zouch.
The Earl of Oxford.	Lord Morley.
The Earl of Kent.	Lord Stafford.
The Earl of Derby.	Lord Grey.
The Earl of Worcester.	Lord Lumley.
The Earl of Rutland.	Lord Stourton.
The Earl of Cumberland.	Lord Sands.
The Earl of Warwick.	Lord Wentworth.
The Earl of Pembroke.	Lord Mordaunt.
The Earl of Lincoln.	Lord St. John.
Lord Viscount Montacute.	Lord Compton.
	Lord Cheney.

Near unto those in the last column sat the knights that were of the privy-council, viz.

Sir James Crofts.	Sir Ralph Sadler.
Sir Christopher Hatton.	Sir Walter Mildmay.
Sir Francis Walsingham.	Sir Amias Pawlet.

Directly before the earls sat the two chief-justices, and the lord-chief-baron, and on the other side two barons, the other justices, Dale and Ford, doctors of the civil law; and at a little table in the middle sat Popham, the attorney-general; Egerton, solicitor-general;

Gawdy, the queen's sergeant-at-law; the clerk of the crown, and two notaries.

When the queen was brought into court, and had seated herself in the chair provided for her, the Lord-Chancellor Bromley, after silence being proclaimed, turned towards her, and spake a few words to this effect: "The most serene queen Elizabeth being informed, not without great grief and trouble of mind, that you have conspired the destruction of her person, and the kingdom of England, and the subversion of our religion, has, according to her station and duty, lest she might seem to neglect herself and her people, and out of no manner of malice at heart, appointed these commissioners to hear such things as shall be objected against you, and how you can clear yourself of them, and manifest your innocence to the world."

The queen thereupon stood up and said, "That she came into England to solicit the assistance which had been promised her, and yet she had ever since been kept a prisoner: she protested that she was no subject of the queen's, but had been, and was, a free, independent queen, not obliged to appear before commissioners, or any other judge, for any cause whatsoever, but before God alone, the highest Judge; that she should not derogate from her own royal majesty, the King of Scots her son, her successors and other independent princes; yet that she now appeared personally to refute and wipe off the crimes objected against her; and she prayed her own attendants to bear witness to the same."

The lord-chancellor not acknowledging any assistance that had been promised her, answered, "That that protestation signified nothing, for whosoever, of what place, quality, or degree they might be, should transgress the laws of England, in England, he or she were subject to the same laws, and was to be examined and tried by the late act; the said protestation, therefore, being made in derogation of the laws and queen of England, was not to be admitted."

The protestation and the lord-chancellor's answer being recorded by the consent of the court, the commission was openly read, which being grounded upon the act of parliament so often already mentioned, the queen, with much boldness and resolution, offered her

protestation against the said act, as being made directly and on purpose against herself, and herein she appealed to their own consciences: to this the lord-treasurer replied, "That every person in the kingdom was bound by the laws, though never so lately made, and that she ought not to speak against the laws; and the commissioners were resolved to proceed according to that law, whatever protestations or appeals she made to the contrary." So that at last she told the court, "That she was ready to hear and answer any fact whatsoever committed against the Queen of England."

Sergeant Gawdy now opening the statute, paragraph by paragraph, affirmed she had violated the same; and then making an historical deduction of Babington's conspiracy, and mentioning Ballard, Morgan, and others concerned in it, he concluded, "That she knew of it, assented to it, promised her assistance, and shewed the ways and means of effecting it." To which the queen resolutely answered, "She did not know Babington; that she never received any letters from him, nor wrote to him; that she never plotted the destruction of the queen, and that to prove any such thing, her own hand-writing ought to be produced; that for her own part she never heard a word of it; that she knew not Ballard, nor ever relieved him; but, understanding that the catholics in England thought themselves very severely used, she wrote to the queen about it, and besought her to take pity upon them; that divers persons, who were strangers to her, had offered her their help and assistance; that, nevertheless, she had excited and encouraged no body to any illegal attempts, and being shut up in prison, she could neither know nor prevent their undertakings."

Here it was urged against her, from Babington's confession, that they had held a correspondence by letters. She owned that she had wrote to, and received letters from, divers persons, but it did not thence follow that she was privy to all their wicked designs. She insisted, that her own hand-writing might be produced, and asked where the hurt was that she should demand her letters again, which had almost for a whole year been detained from her. This done, they read transcripts of

Babington's letters to her, wherein the whole conspiracy was set forth, and to which the queen answered, "Perhaps Babington might write these letters, but let it be proved that I received them; if Babington, or any body else, does affirm it, I say directly they lie; other men's faults are not to be imputed to me: a packet of letters, which has been detained from me almost a whole year, came to my hands about that time, but by whom sent I know not."

To prove that the queen had received Babington's letters, the chief heads of some letters, which he had voluntarily confessed she had wrote back to him, were read, wherein mention was made of the Earl of Arundel and his brothers, and the Earl of Northumberland, upon which she burst into tears, and said, "Alas! what hath not the noble house of the Howards endured for my sake?" and then wiping off her tears, she answered, "That Babington might confess what he pleased, but that it was a downright lie, that she had contrived any method to make her escape as he stated she had; that her enemies might easily get the cyphers which she had made use of to others, and therein write many forgeries and falsehoods; that it was not likely she should make use of Arundel's assistance, whom she knew to be a prisoner, or Northumberland's, who was so very young, and altogether a stranger to her."

Several things were also picked out of Savage's and Ballard's confessions, who had owned that Babington imparted to them several letters which he had received from the queen; who, in her own vindication, affirmed, "That Babington received none from her; nay, that she was very angry with some persons who had privately given her information concerning the invading of England, and had charged them to take care what they did."

The lawyers proceeded to prove farther, that she was both privy to the conspiracy, and also actually conspired the death of the queen; and that by Babington's confession, and the letters which passed between him and her, wherein he had called her, "His most dread and sovereign lady the queen." And by the way, they took notice of a plot that was laid for transferring the kingdom of England to the Spaniards. She confessed, that a priest came to her and said, "That if she would not concern herself in the affair, she and her son both

should be disinherited :" but the priest's name she would not tell; she added, " That the King of Spain laid claim to the kingdom of England, and would not give place to any title but her's."

The next thing which was done, was to press her with the testimonies of her secretaries, Nawe and Curle, out of Babington's confession, and the letters and answers between her and Babington, the entire credit of which proof depended wholly upon their testimony; and yet they were never brought face to face, this being the base remains of the tyrannical practices of Henry VIII.'s reign, of which there were so many instances, that we have only remarked the grandest and most notorious of them. The queen acknowledged Curle to be an honest man, but not a competent witness against her; as for Nawe, she said he had for some time been secretary to the Cardinal of Lorain, and was recommended to her by the French king, and might easily be induced, either by rewards, hopes, or fears, to give a false testimony, for he had several times taken rash oaths; and Curle was so compliant with his humour, that he would, at his beck, write whatever he bade him: " Perhaps," said she, " these two might insert some things in her letters which she had never dictated to them; so also it might happen, that such and such letters might come into their hands which she might never have seen." And then she broke out into expressions of this kind; " That the majesty as well as security of all princes must be at an end, if they depended upon the writings and testimonies of secretaries: I dictated nothing to them, but what nature prompted me to, that I might at length obtain my liberty, and I am not to be convicted by any thing but my own words and hand-writing. If they have wrote any thing to the prejudice of the queen my sister, they have done it entirely without my knowledge, and let them suffer the punishment their rashness and audacity has brought upon them: I am certain, if they were present here, they would acquit me of all blame upon this account; and if my notes were in my hands, I could give particular answers to all these things.

Being engaged thus in her own defence, the lord-treasurer charged her, " That she had intentions to send her son into Spain, and to transfer her title and claim in the kingdom of England to the Spaniards." To this she

answered, "She had no kingdom to dispose of or convey, yet was it lawful for her to bestow those things which were her's at her pleasure, and not be accountable to any for what she did."

When her alphabets, or cyphers, which were sent over to Babington, by the Lords Lodowick and Fernihurst, were laid to her charge out of Curle's testimony, "She did not deny, but that she had wrote out many, and amongst others, that for the Lord Lodowick, when she had recommended him and another to the dignity of cardinal, and that she hoped without any offence, since it was as lawful for her to hold correspondence by letters, and to negociate her concerns with persons of her own religion, as it was for the queen to do it with the professors of another religion."

They pressed her more closely with the testimonies of Curle and Nawe, which agreed together, to which she returned her former answers, or else contradicted their testimonies, by an absolute denial, protesting again, that she neither knew Babington nor Ballard. It is a pity the queen did not insist upon having her two secretaries appear in court, that she might have confronted them in their evidence; and that somebody was not so much her friend, as to put her in mind she had a right to it by the first act of the 13th of Queen Elizabeth: the court consisted of so many great men, and most of whom, if not all of them, of so much integrity, that they would not have denied it; and if they had, it would have remained as a perpetual mark of infamy upon them. I do not enter into the merits of the cause, nor offer to say whether the queen was guilty or not guilty of the crimes laid to her charge; my business is to relate matters of fact: but as the meanest subject ought to have fair play for his life, so surely should a lady of that greatness and quality, who had not only wore a crown herself, but from whom, after the decease of Queen Elizabeth, all the princes who have ever since reigned over us, have descended, and I hope will do so, till time shall be no more.

The lord-treasurer here urged, "That she knew Morgan well enough, who had sent Parry over privately to murder the queen, and that she had assigned him an yearly pension." She replied "That she did not know

whether Morgan had done so, but she knew that Morgan had lost all for her sake, and therefore it concerned her in honour to relieve him, and she was not bound to revenge an injury done to the queen, by a friend that had deserved so well at her hands: however, she had endeavoured to deter him from any such wicked attempts. On the other side," she said, "I am sure pensions have been allowed in England to Patrick Gray, and other Scots, enemies both to myself and to my son." The lord-treasurer answered, "When the revenues of the kingdom of Scotland were much impaired and lessened, through the negligence of the regents, the queen, out of her princely munificence, conferred somewhat upon the king your son, her near kinsman.

They produced in the next place the chief heads of several letters, sent to Inglefield, to the Lord Paget, and to Barnardine de Mendoza. But when the queen had answered, "That those things tended not to the destruction of the queen; and if foreigners endeavoured to set her at liberty, it was not to be laid to her charge, and that she had several times plainly let the queen know, that she would endeavour to obtain her own liberty." The matter was put off till the next day.

When she appeared in court again, she insisted upon her former protestation, and required to have it recorded, and a copy of it delivered to her, lamenting

"That such reasonable conditions as she had several times proposed to the queen should still be rejected, even then, when she promised to deliver her son and the Duke of Guise's son for hostages, that the queen and the kingdom of England might receive no detriment by her enlargement; by which she saw herself then quite out of any hopes of obtaining her liberty: but now she was most unworthily used, whilst her honour and reputation was called in question before common lawyers, who by wrested conclusions drew every circumstance into a consequence; whereas princes, that have been anointed and consecrated, are not subject to the same laws as private men are. Moreover, whereas the commissioners were impowered to examine matters concerning injuring the queen's person; things were now so managed, and letters so wrested, that the religion she professed, the immunity and majesty of foreign princes, and the private intercourse and correspondence between princes were called in question, and she herself made to descend beneath her royal dignity, and to appear as a criminal before a court of justice; and all this to no other purpose, but that she might be quite put out of the queen's favour, and excluded from her right to the succession of the crown:

whereas she only voluntarily made her appearance to clear herself of the things objected against her, lest she might seem to neglect the vindicating of her own honour and innocence. She also reminded them how Queen Elizabeth herself was formerly called in question about Wiat's rebellion, of which, nevertheless, she was entirely innocent: religiously affirming, that though she wished, with all her heart, that the safety of the catholics might be provided for, yet she did not desire it should be accomplished by the death and blood, though but of one man. As for herself, she had rather act the part of Hester than of Judith; make intercession to God for the people, rather than deprive the meanest of his life. She expostulated, that her enemies had spread reports that she had no religion: There was a time, said she, when I was willing and desirous to be instructed in the protestant religion; but some there were who would not allow it to be so, as if they did not care what became of my soul."

She concluded thus: "When you have done all you can against me, and have excluded me from my right, you may perhaps come short of your hopes and expectations." Then making an appeal to God, and to the princes who were her kinsmen, and then renewing her protestations, she prayed there might be another assembly held about that affair, and that an advocate might be allowed her to plead her cause; and that seeing she was a princess, credit might be given her upon the word of a princess. "For it were extreme folly," said she, "to stand to their judgment, when she saw, so evidently and notoriously, that they were armed with prejudice against her."

To this the lord-treasurer answered, "Whereas I am a person in a double capacity, first as a commissioner, and then as a counsellor; hear me first a few words, as I am a commissioner; your protestation is recorded, and you shall have a copy of it. Our authority is granted to us under the queen's own hand and the great seal of England, from which there lies no appeal, neither do we come with prejudice, but to judge according to the exact rules of justice; the queen's learned council can do nothing else but that truth may come to light, and that it may be seen how far you have offended against the queen's person, and the things relating to it, which are so interwoven with other things that they cannot be separated from them; the whole and entire letters, and not scraps picked out here and there, have therefore been openly read, because the circumstances make out what it was you corresponded with Babington for.

Her letters to Charles Paget were now ordered to be read again, wherein she shewed there was no other way for the Spaniards to reduce the Netherlands under their obedience, but by setting up such a prince upon the throne of England as might be useful and serviceable to them; as also her letters to the Lord Paget to hasten his auxiliary troops for the invading of England,

and Cardinal Allen's letter, wherein he called her his most dear sovereign lady, and told her that the business was recommended to the Prince of Parma's care.

While they were reading these letters, the queen interposed the following expressions:

"That Babington and her secretaries had accused her to excuse themselves: that she had never heard of any of their pretended schemes, and that the whole was nothing at all to the purpose. That as for Allen, she esteemed him as a reverend prelate, and acknowledged no other head of the church but the Bishop of Rome. She well knew in what rank and quality she was held and reputed by him and other foreign princes; neither could she hinder it, if they should, in their letters, style her Queen of England. As for her secretaries, seeing they had acted contrary to their duty and allegiance to her, they deserved no credit; they who had once forsworn themselves, though they swore the next time ever so seriously and solemnly, were not to be believed; neither did these men think themselves bound by any oath whatsoever in *foro conscientiæ*, forasmuch, as they had sworn fidelity and secrecy to her before, and were no subjects of England. That Nawe had many times written otherwise than she had dictated to him; and that Curle wrote whatever Nawe bad him; but, for her part, she was willing to bear the blame of their misconduct in all things, but what might lay a blot or ignominy upon her honour. And, perhaps, they also confessed those things to save themselves, upon a supposition they could do her no injury by confessing, and that she, as being a queen, would meet with more favour. As for Ballard, she never heard of any such man; but of one Hallard, who had offered his service, which, nevertheless, she refused, because she was also informed, that he had engaged himself in the service of Walsingham."

The next thing produced was some short passages out of her letters to Mendoza, which Curle had confessed himself to have written in cyphers, out of which she was charged with a design of transferring her right in the kingdom to the King of Spain; and that Allen and Parsons were then at Rome for that purpose. The queen still complaining that her secretaries had violated their allegiance, to which they were bound by oath, she replied thus:

"I, being a close prisoner, oppressed, and languishing with cares and melancholy thoughts, and without any hopes of liberty, and no probability appearing of effecting those things which many people expected by my means, who declined daily through age and indisposition of body; some there were who thought it most adviseable, that the succession of the crown of England should be settled on the King of Spain, or some English Catholic; and there was a book sent me to justify the Spaniard's title, which, being

disapproved by me, I incurred the displeasure of some people about it; but now all my hopes in England being in vain, I am fully resolved not to reject foreign assistance."

Here the solicitor-general put the commissioners in mind, what would become of their honours, estates, and posterities, if the kingdom should be transferred to a foreigner as above-mentioned? But the wise treasurer made it appear, that the kingdom of England could not be transferred at all; but was to descend, by right of succession, according to the laws, and asked the queen if she had any more to say? She required to be heard in a full parliament, or that she might in person speak to the queen, whom, she hoped, would have respect for a queen, and to her privy-council. Then getting up from her chair with great presence and a majestic mien, she had some conference apart with the lord-treasurer, Sir Christopher Hatton, Secretary Walsingham, and the Earl of Warwick.

The court then adjourned to the 25th October, to the Star-chamber, at Westminster, where all the commissioners met, except the Earls of Shrewsbury and Warwick, who were both of them sick at that time. And after Nawe and Curle had, upon oath and *viva voce*, voluntarily, without hope or reward, avowed, affirmed, and justified all and every the letters and copies of letters before produced, to be true and real, sentence was pronounced against Mary, Queen of Scots, and confirmed by the hands and seals of the commissioners, and recorded in these words:

"By their unanimous assents and consents, they do pronounce and deliver this their sentence and judgment, at the day and place last above-recited, and say, that since the conclusion of the aforesaid session of parliament, in the commission aforesaid specified, namely, since the aforesaid first day of June, in the twenty-seventh year aforesaid, and before the date of the said commissions, divers matters have been compassed and imagined within this realm of England, by Anthony Babington and others, with the privity of the said Mary, pretending a title to the crown of this realm of England, tending to the hurt, death, and destruction of the royal person of our said lady the queen. And, also, that since the aforesaid first day of June, in the twenty-seventh year aforesaid, and before the day of the commission aforesaid, the aforesaid Mary, pretending a title to the crown of this realm, has compassed and imagined, within this realm of England, divers matters tending to the hurt, death, and destruction of the royal

person of our sovereign lady the queen, contrary to the form of the statute in the commission aforesaid specified."

The same day a declaration was published by the commissioners and judges of the land, that the said sentence did not at all derogate from the title and honour of James, King of Scots, but that he was in the same place, degree, and right, as if the said sentence had never been pronounced.

It is foreign to our design to enter upon the reasons given by parliament to Queen Elizabeth, for the promulgation of the sentence against her, with the queen's answers, and the intercession made for her by foreign princes; but we are next to take notice, that, after the prorogation of the parliament, Lord Buckhurst and other persons were sent to the Queen of Scots, to let her know that sentence had been pronounced against her, and that the same was approved and confirmed by the authority of parliament, as just and lawful, and the execution thereof instantly desired by the parliament, out of a due regard to justice, security, and necessity; and, therefore, to persuade her to acknowledge her offences against God and the queen, and by repentance to expiate them before her death; giving her, at the same time, to understand, that as long as she lived, the religion established in England could not be safe. Here she seemed to triumph with an uncommon alacrity, giving God thanks, and rejoicing in her heart that she was esteemed an instrument for restoring of religion in this island; and she earnestly entreated that she might have a catholic priest allowed her to direct her conscience, and administer the sacraments to her. She utterly rejected the admitting of a bishop and a dean, whom they recommended to her for this purpose, and inveighed sharply against the English nation, saying, "That the English had many times put their own kings to death; no wonder, then, if they shewed their cruelty to me, who am descended from the blood of their kings."

The publication of the sentence was stopped, for some time, by the intercession of the French ambassador; but, at last, the earnest instances of some courtiers prevailing, it was publicly proclaimed, in December, all over London; the lord-mayor, aldermen, and principal officers and citizens being present; and, afterwards,

throughout the whole kingdom. The queen, in this proclamation, seriously protested, that this publication was extorted from her, to the great grief of her mind, by a kind of necessity, and at the earnest desires and intreaties of both houses of parliament; though there were some who thought this proceeded from female cunning and artifice.

The publication of this sentence being communicated to the Queen of Scots, she was so far from being daunted with it, that, with a grave and unalterable countenance, she lifted up her hands and eyes towards heaven, and gave God thanks for it: and though Pawlet, in whose custody she was, divested her of all ensigns of dignity and royalty, and made no more account of her than of a woman of the meanest condition, yet she bore it with great magnanimity.

We shall not launch out into the various opinions and sentiments of men concerning her; people generally reasoned as they were of this or that party; the courtiers were continually pressing the queen to order her execution, to which she shewed great averseness for a long time, and even grew pensive and melancholy upon it, frequently sighing and muttering to herself, "*Aut fer, aut feri.*" "Either bear with her, or smite her." And again, "*Ne feriare, feri;*" that is, "Strike, lest thou be stricken." At last she delivered a writing to Davison, one of her secretaries, signed with her own hand, requiring a warrant to pass under the great-seal for her execution, which should be ready, in case any danger happened, and commanded him to acquaint nobody with it: but next day her mind changed, and she sent her commands, by Killigrew, to secretary Davison, that the warrant should not be drawn. Davison went presently to wait upon the queen, and told her it was drawn and under the great-seal already.

The queen hereupon expressed some displeasure, blaming the secretary that he had made so much haste. Nevertheless, he informed the council of the warrant and the whole proceeding, and easily persuaded them, who were ready to believe what they desired, that the queen had commanded it should be executed. Beal thereupon, without any more delay, was sent down

with one or two executioners, and a warrant, by virtue of which

The Earl of Shrewsbury,	The Earl of Derby,
The Earl of Kent,	The Earl of Cumberland,

and some others of less quality, were authorized to see her executed according to law; and though the queen at that very time told Davison, that she would take another course with the Queen of Scots, yet he had not recalled Beal.

As soon as the earls, above-named, arrived at Fotheringhay, they went, together with Sir Amias Powlet and Sir Drue Drury, to whose custody she was committed, to attend her, and told her the occasion of their coming. They read the warrant to her, and, in a few words, advised her to prepare herself for death; which she was to undergo the very next day. The unhappy queen undauntedly, and with a composed mind, made this answer: "I did not think my sister would have consented to my death, who am not subject to your law and jurisdiction; but, seeing her pleasure is so, death shall be to me most welcome; neither is that soul worthy of the high and everlasting joys above, whose body cannot endure one stroke of the executioner."

She then requested the lords, that she might be allowed to confer with her almoner, confessor, and Melvil, the master of her household. It was a cruel thing, admitting her religion to be erroneous, to deny her the liberty of having her confessor come to her; but the lords would by no means agree to it, and recommended the Bishop or Dean of Peterborough to administer spiritual advice and comfort to her. This the queen refusing, the Earl of Kent, in the heat of his zeal for the reformed religion, turning towards her, broke out, among others, into these warm expressions, "Your life will be the death of our religion, and, on the contrary, your death will be the life of it."

Mention being made of Babington to her, she confidently denied any manner of knowledge she had of his conspiracy, and she left it to God to revenge her cause. Then inquiring what was become of Nawe and Curle, she asked, if it was ever heard of before, that servants were suborned and admitted to be witnesses against

their master's life? When the lords had left her, she commanded supper to be hastened, that she might the better dispose of her affairs; she supped temperately and sparingly, as her custom was; and observing, while she was at supper, that her servants, both men and women, wept and lamented her, she comforted them with much courage and magnanimity, and bid them leave off mourning, but rather rejoice that she was now to depart out of this miserable world. She turned to Burgoin, her physician, and asked him, "If he did not now find the force of truth powerful? They say," continued she, "that I must die because I have conspired against the queen's life; and yet the Earl of Kent tells me, that there is no other cause of my death, but that they are afraid their religion is in danger upon my account; neither has any offence against the queen, but the fears they have of me, drawn this end upon me; while some, under the colour of religion and the public good, aim at their own private conveniences and advantages."

When her supper was near ended, she drank to all her servants, who all of them pledged her in order upon their knees, mingling tears with their wine, and begging pardon for any neglect of duty they had been guilty of, as she also in like manner did of them. She perused her will after supper, read over the inventory of her goods and jewels, and wrote down the names of those to whom she bequeathed every particular; to some she distributed some money with her own hands. She wrote a letter to her confessor, that he should make intercession to God for her in his prayers. She also wrote letters of recommendation in behalf of her servants to the French king and the Duke of Guise; she went to bed at her usual hour, slept some hours, and then awaking, spent the rest of the night in prayers and acts of devotion.

The fatal day, which was the 9th of February, 1587, being come, she dressed herself as pompously as she was wont to do on festival days, and calling her servants together, commanded her will to be read, praying them to take their legacies in good part, since she was not in a condition to bequeath much unto them; then fixing her mind wholly upon God, in her oratory

or usual place of prayer, she begged for the divine grace and favour, with sighs, groans, and prayers, till such time as Mr. Thomas Andrews, sheriff of the county, came to acquaint her that she must go with him; she went along with a state, countenance, and presence, that were truly majestic, with cheerful looks, and a matron-like and modest habit; her head she covered with a linen veil, which hung down to the ground; her beads hung at her girdle, and she carried a crucifix in her hands. She was received at the porch by the earls above-named, and other persons of distinction, where Melvin, her servant, falling upon his knees, and bursting into tears, bewailed his misfortune, that he should be the person who was to carry into Scotland the sorrowful news of the unhappy state of his lady and mistress; but the queen comforted him, saying, "Lament not, but rather rejoice; thou shalt, by and bye, see Mary Stewart free from all her care. Tell them that I die constant in my religion, and firm in my fidelity and affection to Scotland and France; God forgive them who have thirsted after my blood, as harts do after the water-brooks. Thou, O God, who art truth itself, and truly and perfectly knowest the inward thoughts of my heart, knowest how much I have desired the kingdoms of England and Scotland might be united into one. Commend me to my son, and assure him that I have done nothing which may be prejudicial to the kingdom of Scotland; admonish him to carry it fair and friendly towards the Queen of England, and see that thou do him faithful service."

The tears now streamed down her face, and she several times bade Melvin farewell, who wept as fast as the queen; then, turning herself to the noblemen, she desired that her servants might be kindly used; that they might enjoy the legacies she had bequeathed them by her last will and testament; that they might stand by her at her death; and that they might have passes to go into their own country. The former requests they easily granted, but that they should stand by her at her death, was what the Earl of Kent hesitated at, for fear of some superstition acted by them. "Fear not," said the queen, "these harmless souls desire to take their last leave of me; I know my sister Elizabeth would not have denied me

so small a favour, that my women should be nigh my person, were there no other reason for it but the honour and decency of the female sex; I am her near kinswoman, descended from Henry VII., Queen-dowager of France, and now Queen of Scotland."

Having said thus much, and turned a little aside, it was agreed, at last, that such of her servants as she should name, should be allowed to be by her; she nominated Melvin, Burgoin, (her physician,) her apothecary, surgeon, two waiting-women, and some others, of whom Melvin held up her train.

Two earls, and the sheriff of the county, going before her, she came to the scaffold, which was built at the upper end of the hall, upon which they had a chair, a cushion, and a block, all covered with black cloth; as soon as she sat down, and that silence was commanded, Beal read the warrant for her execution; she hearkened very attentively to it, yet so as if her thoughts were taken up about somewhat else. Then Dr. Fletcher, Dean of Peterborough, spoke to her a great while, about the condition of her past, present, and future life; but she interrupted him once or twice, and "prayed him not to give himself any trouble, protesting that she was firmly fixed and resolved to continue in the ancient Roman Catholic religion, and for it was ready to shed the last drop of her blood." When the dean pressed her to true repentance, and to put her whole trust in Christ and an assured faith, she answered, "That she was born, bred, and now ready to die in that religion." The earls said, "They would pray with her;" to whom she said, "That she would give them hearty thanks if they would pray for her; but to join," said she, "in prayer with you, who are of another profession, would be to me a heinous sin." Then they appointed the dean to pray, with whom, while the spectators that stood round about were praying, she fell down upon her knees, and holding the crucifix before her in her hands, she prayed in Latin, with her servants, out of the office of the virgin Mary.

When the dean had ended his prayer, the queen, in the English tongue, recommended the church, her son, and Queen Elizabeth to God, beseeching him to turn away his wrath from this island, and professing that she

reposed her hopes of salvation in the blood of Christ; lifting up the crucifix, she called upon the celestial choir of saints to make intercession to him for her. She forgave all her enemies, and kissing the crucifix, and signing herself with the cross, she said, "As thy arms, oh Christ! were spread upon the cross, so receive me with the stretched-out arms of thy mercy, and forgive my sins." Then the executioners asked her forgiveness, which she granted them. And when her women had taken off her upper garments (which she was eager and hasty to have done) wailing and lamenting all the while, she kissed them, and, signing them with the cross, she bade them, with a cheerful countenance, "Forbear their womanish lamentations, for now she should rest from all her sorrows."

In like manner turning to her men-servants, who were also in tears, she signed them with the cross, and smiling, bid them farewell. And now, having covered her face with a linen handkerchief, and laying herself down to the block, she recited that Psalm "In thee, O Lord, do I trust, let me never be confounded;" then, stretching forth her body, and repeating many times these words, "Into thy hands, O Lord, I commend my spirit;" her head was taken off at two strokes, the dean crying out, "So let Queen Elizabeth's enemies perish;" the Earl of Kent answered, "Amen," and the people were sighing and sorrowing all the while. Her body was embalmed, and afterwards interred with a royal funeral pomp in the cathedral church of Peterborough.

She died in the thirty-sixth year of her age, and the hair of her head was observed to be very grey. She had been a prisoner in England about eighteen years!

All the princes of Europe shewed a concern for her death, and, especially, the ignominious manner of it, wherein the dignity of all crowned heads was concerned and struck at.

Queen Elizabeth herself was so far from glorying in or justifying the fact, that she made apologies for it to the King of Scots and other potentates, and endeavoured to throw all the odium of it upon poor Secretary Davison, who suffered a long imprisonment, and underwent other hardships upon that account.

JOHN, EARL OF GOWRY, AND MR. ALEXANDER RUTHVEN,

CONVICTED AFTER DEATH FOR CONSPIRING TO BEREAVE HIS MAJESTY, THE KING OF SCOTLAND, OF LIFE, AT ST. JOHNSTON, 5TH AUGUST, 1600.

THE majesty of Rome had subsisted for many ages, and her sway extended over the fairest part of the globe, 'ere the punishment of treason was inflicted after the death of the traitor. And it was not till the division of the empire between Arcadius and Honorius, a period when the weakness of government increased its jealousies and its severities, that a sentence of infamy could be pronounced after death for that crime, and an action brought for wresting the estate from the heirs of the traitor. With a similar policy, James V., who had long been harassed by his nobles, solemnly adopted this punishment as a part of the Scottish law, when he beheld the storms that were gathering round the throne, from the enthusiastic spirit of religious and civil liberty that sprang up at the reformation.

Sir Thomas Hamilton, king's advocate, produced before the parliament, on the 4th of November, 1600, a summons of treason, duly executed, against William Ruthven, brother, and apparent heir, to the Earl of Gowry, and to Mr. Alexander Ruthven; and against his tutors and curators, and all having interest, to hear it found and declared that the said earl and Mr. Alexander had committed treason, by attempting to bereave his majesty of life, on the 5th of August, 1600. The summons, which contains a minute narrative of the transactions of that busy day, is dated on the 26th of August, precisely three weeks after the date of the conspiracy, and the day of appearance was the 4th of November, an interval sufficient for people's minds to cool after so great an event, for the defenders preparing their defences, and for investigating the truth.

The execution of the summons was certified when it was first laid before parliament. It was produced a second time on the 11th of November. On the 15th, the parliament resumed the cause, and the lord advo-

cate produced the following depositions, that were taken before the Lords of Articles.*

Andrew Henderson, chamberlain to the late Earl of Gowry, deposed, that, on the night of Monday, the 4th of August, he, after supper, was in the Earl of Gowry's own chamber with his lordship and Mr. Alexander Ruthven. The earl asked him, What he had to do to-morrow? to which he answered, to ride to Ruthven to speak with the tenants. His lordship desired him to postpone that journey, and to be ready by four in the morning to attend Mr. Alexander to Falkland; to take Andrew Ruthven with him; to make haste back with what answer his lordship's brother should order, and to leave Andrew with Mr. Alexander. They set off at the hour appointed, and arriving betimes at Falkland, the master sent the deponent at seven o'clock to see what the king was doing. He found his majesty in the court-yard booted, upon which he returned to the master, saying, "Haste you, the king is coming forth." The master immediately followed his majesty, spoke with him for about a quarter of an hour, and, during the conversation, the king frequently clapped him on the shoulder. The master then bid the deponent ride in all haste to Perth, as he loved Lord Gowry and his honour, and acquaint him that the king would be there, with a *slight retinue*, speedily, and tell the earl to cause dinner to be prepared for his majesty. The deponent got back to Perth about ten o'clock, when his lordship inquired anxiously what answer he had brought; what reception his brother had from the king; and what number of persons were hunting with his majesty? The deponent said, the answer was, to prepare dinner for the king; that the reception his brother had was courteous, and that there were sundry of his majesty's household, and some Englishmen, hunting with the king. The earl asked what noblemen were

* The Lords of Articles were a committee of the different estates of parliament, who prepared the business that was to come before the house. They were this year chosen on the 11th of November; the depositions were produced in parliament on the 15th; they must, therefore, have been emitted between the 11th and the 15th.

with the king? to which he answered, "none but my Lord Duke."* He then went to his own house, and put off his boots, and, upon his return, the earl ordered him to put on his, the deponent's coat of mail, and plate-sleeves. He asked for what purpose? The earl answered, he had a Highlandman to take in the Shoegate.† About half-past twelve his lordship bid him bring up dinner. The earl sat down to dinner with three gentlemen, and, while the first course was on the table, Andrew Ruthven returned from Falkland, and whispered to his lordship. Soon after, Alexander Ruthven and William Blair came to the earl, while sitting at dinner, upon which the company instantly rose from table, and my lord bid the deponent send for his steel bonnet and gauntlet. My lord then went to the Inch,‡ and soon returned with the King, the Duke of Lennox, and the Earl of Mar. After his majesty came to the house, the master of Ruthven asked the deponent for the key of the gallery-chamber; who answered, he had not handled it since the earl came to Scotland. He then went, at the master's desire, and got the key for him from Mr. William Rynd. Immediately upon his majesty's sitting down to dinner, the earl spoke privately to the deponent in the room where the king dined, bidding him go to the gallery to his brother. He went; the earl followed; and they being all three in the chamber, my lord said to the deponent, "tarry with my brother, and do what he bids you." The deponent then asked the master's commands, which were, to "go into the round of the chamber," into which the master locked the deponent, and took the key along with him. Here he remained locked up, accoutred in his coat of mail, plate-sleeves, sword and hanger, but wanting his steel bonnet. All the while he dreaded that some mischief was to be done, and he kneeled and prayed to God. In about half-an-hour Mr. Alexander returned, entered the chamber first, having the king by the arm, put on his hat, drew the deponent's hanger,

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* The Duke of Lennox. † Shoe Lane.

‡ A level field used as a mall, adjoining to Perth, on the road to Falkland.

and addressing the king, said, "Sir, you must be my prisoner; remember on my father's death." And, as he held the hanger at his majesty's breast, the deponent wrenched it out of his hand. The king said, "Mr. Alexander, ye and I were very great together; and, as touching your father's death, man, I was but a minor." The king added, "although ye bereave me of my life, ye will not be king of Scotland, for I have both sons and daughters." Mr. Alexander answered, with a great oath, it was not his life that he desired, but a promise to his brother the earl. The king said, "fetch hither your brother;" and Mr. Alexander stipulated, that the king should not cry, nor open the window till his return, and then went away, and locked the door after him. Upon this the king asked the deponent, "How came ye in here, man?" and this deponent answered, "As God lives I am shut in here like a dog." The king said, "Will my Lord of Gowry do me any evil, man?" This deponent answered, "I vow to God I shall die first." He then, at the king's desire, went to open the window; but, before he got it opened, Mr. Alexander returned, and said to his majesty, "By God, there is no remedy;" then leaped upon the king, and gripped both his hands, he, Mr. Alexander, having a garter in his. Then the king said, "I am a free prince, man; I will not be bound." So his majesty cast loose his left hand from Mr. Alexander, and, at the same time, the deponent drew away the garter, and the king leaped out of his gripe. He then threw his left arm round the king's neck, and crammed his right fist into his mouth; and his majesty and he wrestling, the deponent pulled his hand out of the king's mouth. The deponent then reached over the king's shoulder, and pulled up the board of the window, and his majesty cried "treason! treason!" Mr. Alexander spoke thus to the deponent, "Is there no help with thee? Woe worth thee, thou villain, we will all die!" Then he clapped his hand to his sword; but the king, putting his hands on the master's, stopped him from drawing it. Thus struggling, they staggered out of the cabinet into the chamber; the door of which the deponent unlocked, that he might make his own escape, and let in the king's servants. Just as he

opened it, John Ramsay entered, with a hawk on his hand, drew his hanger, and laid about him. The deponent then went down-stairs, and, as he came to the front gate, the Earl of Gowry was standing before the gate, accompanied by sundry persons, having the deponent's helmet on his head, and a drawn sword in each hand.* The deponent then went to his own house, where he remained till the king left the town. After this, he went to the bridge, and walked up and down about an hour. When he returned home, his wife asked him, "What trouble was within the place?" To whom he answered, "Well is me of one thing, that, if I had not been there, the king had been twice sticked† this night: but woe's me for the thing that is fallen out." The deponent added, that, being met by Mr. John Moncrieffe, on his return from Falkland, who asked where he had been, seeing his boots were on, he answered, some miles beyond Erne; not daring to unfold the particulars, as the earl had forbid him to tell the errand.‡

The Duke of Lennox deposed, that, on the 5th of August last, being in company with the king at Falkland, he saw Mr. Alexander Ruthven speaking with his majesty before the stables, between six and seven in the morning. Soon after the king went a stag-hunting; and, having killed a buck in the park of Falkland, he desired the deponent to accompany him to Perth, where he meant to have some conversation with the Earl of Gowry. The deponent immediately sent his servant for another horse, and for a sword, and followed the king. When he overtook his majesty, Mr. Alexander was speaking with him. Shortly after the duke's coming up, the king rode aside, and said to the deponent, "Ye cannot guess, man, what errand I am riding for; I am going to get a *pose*§ in Perth; and Mr. Alexander

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* It was common, at this period, for combatants to fight with weapons in each hand; Lord Gowry had been long in Italy, and probably was a good swordsman.—*Arnot's Hist. of Edinburgh, p.* 70.

† Stabbed.

‡ All the depositions are subscribed by the respective witnesses.

§ A hidden treasure. This was by no means so improbable a tale, as one, from merely viewing modern manners, would deem it. The king was given to understand that this strange man was

Ruthven has informed me that he has found a man that has a pitcher full of coined gold of great sorts." The king, at the same time, asked the deponent what sort of a man he took Mr. Alexander to be? who answered, "That he knew nothing of him, but as of an honest discreet gentleman." The king afterwards described to him minutely the circumstances of the pose; to which the deponent answered, "I like not that, Sir, for that is not likely." As they rode by the bridge of Erne, his majesty said, that Mr. Alexander desired him to keep the matter of the pose secret, and take nobody with him. But the king, both at that time and in the Earl of Gowry's hall, at St. Johnston, bid the Duke take taint, (*i. e.*) take heed where I pass with Mr. Alexander Ruthven, and follow me. When the king was within a mile of Perth, Mr. Alexander rode on before the company, on purpose, as the deponent believes, to advertise the earl of his approach; and, when they were within two pair of butt-lengths of the town, the earl, accompanied by divers persons on foot, came out to meet the king. Then his majesty, accompanied by the deponent, the Earl of Marr, Abbot of Inchaffrey, Sir Thomas Erskine,* the Laird of Urquill, James Erskine, William Stuart, Sir Hugh Harries, Sir John Ramsay, John Murray, John Hamilton of Grange, and John Graham of Balgowan, passed altogether to the Earl of Gowry's hall, in company with his lordship and Mr. Alexander Ruthven. The king called for drink, which was long in being brought to him, and it was an hour 'ere his dinner was served up. When the desert was on the table, Lord Gowry came to the deponent, and the other persons of his majesty's suite, and desired them to dine; which they did accordingly in the hall. When they had nigh dined, the earl came to them from

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an emissary of the court of Spain, furnished with a quantity of gold for the purpose of exciting fresh commotions. When the Earls of Huntly, Bothwell, and Crawfurd, were tried for various points of treason, A. D. 1589, they (and in particular the Earl of Bothwell) were convicted of receiving from certain Jesuits, and from Graham of Fintry, large quantities of Spanish gold, for the purpose of raising forces.—*Rec. of Just. May* 24, 1589.

* Created Earl of Kellie.

the king's chamber, and called for wine, saying, he was directed from his majesty's chamber to drink the king's health, to my lord duke and the rest of the company. Immediately after the health was drunk, the deponent rose from table to wait on the king, conformable to directions; but the earl said to him, his majesty was gone up upon some private errand. His lordship then called for the key of the garden, into which he walked, in company with the deponent and some others. Soon after, Mr. Thomas Cranston came to them, crying, "The king's majesty is on horseback, and riding through the Inch." Then the earl cried, "Horse! horse!" Cranston answered, "Your horse is in town." His lordship made no reply, save continually crying, "horse! horse!" The deponent and the earl came first out of the garden, through the hall, to the close; and, as they came to the outer gate, the deponent asked of the porter if the king was gone forth, who answered, that assuredly he was not. The earl said, "I am sure he is first always. Stay, my lord, drink, and I shall go up and get the verity thereof." Immediately he came down again, and affirmed that the king was gone out at the back-gate and away. Upon this the deponent, the Earls of Gowry and Marr, with the rest of the company, went out at the front gate; and, as they were standing there in the street, deliberating where to seek the king, the deponent heard a voice, and said to the Earl of Marr, "This is the king's voice that cries, be where he will." So they all looked up to the lodging, and saw his majesty looking forth of the window, wanting his hat. his face red, and an hand griping his cheek and mouth, and the king cried, "I am murdered! treason! my Lord Marr, help, help!" Instantly the deponent, Lord Marr, and the company, ran up-stairs to the gallery-chamber, where his majesty was, to have relieved him; but the door was fast. Seeing a ladder, they dashed it against the door; but the ladder broke. They then sent for hammers, and, notwithstanding they thundered at the door with large forcing hammers, they got no entrance, till the Earl of Gowry and his brother were both slain. When they got admission, by assistance of those within the chamber, who helped them to

break open the door, they found Lord Gowry lying dead; his brother, Mr. Alexander, being slain, and carried down-stairs before their entry. When they entered the room where the king was, the deponent saw, through one of the doors, which was by no means close, the pushing of halberts and swords; but knew none of the combatants save Alexander Ruthven of Freeland; and as soon as the said Alexander heard my lord duke's voice, he, and his accomplices, left that door, and gave no further disturbance. Depones, that he saw several of Lord Gowry's servants in arms, in the close, both before and after the king dined, and that there was a tumult before the earl's lodgings, and in the High-street, for about two hours after his lordship's and Mr. Alexander's death.

The Earl of Marr's evidence, in most things substantial, corroborated that of the Duke of Lennox.

The Abbot of Inchaffrey deposed, that he saw Mr. Alexander Ruthven at Falkland, in conference with the king, for about a quarter of an hour, on the morning of the 5th of August. The deponent accompanied his majesty to Perth, and dined at the Earl of Gowry's. After dinner, the deponent heard that the king had taken horse, and was gone towards Falkland, and the earl assured the company it was so; upon which the Duke of Lennox, the deponent, &c. called for their horses. As they waited for them, they heard a voice, and the Duke said, "Yon is his majesty's voice, be where he will." Immediately they saw his majesty looking out of a window, without his hat, his face red, and crying, "Help, my Lord Marr! treason! treason! I am murdered!"

The Abbot of Lindores deposed in all things agreeable to the evidence of the Duke of Lennox; adding, that, when the company asked if the king was gone forth, the porter said he was not. The earl affirmed, he had gone out by the back gate; to which the porter replied it was impossible, for he had the key of that gate. When the king called out of the window, "treason!" James Erskine laid hands on the earl upon the High-street; Sir Thomas Erskine also gripped him, saying, "Fie, traitor! this is thy deed; thou shalt die."

To which Lord Gowry answered, "I know nothing of the matter." A scuffle then ensued: the earl drew both his swords, and cried, "I will either be at my own house, or die by the gate;" and, at the head of about thirty persons, he made his way into the place.

Sir Thomas Erskine's testimony confirmed those of the two preceding witnesses. He added, that when he had got into the close, meaning to fly to his majesty's assistance, Sir John Ramsay called to him to come up the turnpike-stair* to the very top. When he got up five steps, he met Mr. Alexander Ruthven, who was bleeding in the face and neck. Sir Hugh Herries, and others who were with him, cried, "This is the traitor! strike him!" He was struck accordingly, and fell; and, as he was falling, he turned his face, and cried, "Alace! I had not the wite† of it!" The deponent then went up-stairs to the chamber at the head of the gallery, where were the king and Sir John Ramsay only; Sir Hugh Herries and a servant followed him; immediately after, Mr. Thomas Cranston entered the chamber with his sword drawn, the Earl of Gowry following, with a drawn sword in each hand, and a helmet on his head. They struck at the deponent and his colleagues, who defended themselves and struck again, and Cranston wounded the deponent in the right hand. At last, Sir John Ramsay gave the earl a deadly stroke. The earl leaned to his sword; a man held him up; but as soon as his lordship fell, Cranston, and the rest of his followers, left the room.

Sir John Ramsay deposed, that, after having dined on the day libelled at the Earl of Gowry's, he took his majesty's hawk from John Murray, in order that the said John might dine. Missing the king, he and the Laird of Pittencrief searched for his majesty in different apartments; and, when they came into the close, Mr. Thomas Cranston told them the king was on horseback, and at the Inch. The deponent then ran to the stable

* The name given to a winding-stair, very common in Scotland.

† Blame of it.

for his horse, and, as he was at the stable-door, he heard the king's voice, but did not understand what he said. He immediately returned, and, entering the close, he found a turnpike-door* open, into which he entered and went up-stairs. Hearing a struggle and din of feet, he ran with his whole force against the door which enters from the stair to the chamber, at the end of the gallery. Having burst open the door, he saw the king and Mr. Alexander Ruthven striving and wrestling; his majesty having Mr. Alexander's head under his arm, and Mr. Alexander, who was almost on his knees, had his hand upon the king's face and mouth. His majesty, seeing the deponent, cried, "Fie! strike him laigh, because he has a *pyne doublet*† upon him." Immediately the deponent cast the hawk off his hand, drew his hanger, and struck Mr. Alexander, and the king instantly pushed Mr. Alexander down-stairs. In the rest, he deposed in all points conformable to Sir Thomas Erskine.

Robert Christie, porter to the Earl of Gowry, saw my lord duke, the Earl of Marr, and the Earl of Gowry, come into the close. My lord duke asked the deponent, if the king was gone out? He said, not. Then Lord Marr said, "Billy, tell me the verity if his majesty be forth or not?" He answered, "In truth, he is not." The Earl of Gowry, looking at him with an angry countenance, said, "Thou lie; he is forth at the back gate, and through the Inch." Then this deponent answered, "That cannot be; for I have the key of the back gate, and all the gates of the place." Then the deponent saw his majesty looking out of the window of a turret, crying, "Treason," &c. Upon which the duke, Lord Marr, and others, ran up the turnpike-stair to the gallery. After this, Lord Gowry came from the High-street into the close, a steel bonnet on his head, a drawn sword in his hand, accompanied by sundry persons, all with drawn swords. My lord,

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* Door of a turnpike-stair.

† *Pyne-doublet* was an under-coat of defence, made of wire, to shield from the point of a dagger. It was worn by pions, or foot-soldiers.

and his followers, rushed up the turnpike-stair; but the deponent knows not what passed within the place, save by report; nor knows he any more of the matter.

John Graham, of Urquill, deposed "conformable to the Lord Duke of Lennox and Earl of Marr, in all things, *reddens eandem causum scientiæ.*"

John Graham, of Balgowan, deposed in all things conformable to the Duke of Lennox.

Twenty-two more witnesses deposed either in confirmation of the preceding evidence, or to other facts of less moment. In the whole of the depositions, there is not a word of the earl's belt and magic characters, nor of his not bleeding till the belt was unloosed,* and of the summons against the Earl of Gowry's heirs, and the indictments against his followers, who were executed at Perth.

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* In the account that was published soon after the conspiracy, both these facts are mentioned, and probably they were both true. From these, two very different conclusions have been drawn, by the ignorance of those who believed, and the partiality of those who discredited the conspiracy; the one, *that the not bleeding of the wound was owing to the magical characters;* the other, *that this tale is so absurd, as to excite strong suspicion concerning the reality of the conspiracy.* The *real matter had been simply this:* Lord Gowry received the deep and mortal wound by the thrust of a *small sword*, and he had not immediately bled externally; but, on his clothes, on his belt being taken off, and the blood being turned into different postures in the stripping, *the blood had gushed out.* Besides, it frequently happens that, on a person's being blooded after sudden death, no blood will issue for some time; but, when the serous part of the blood separates from the grumous, the former will flow out of the wound. This the fond friend often looks on as the mark of returning life, while it is the most certain indication of death.—Necromancy, at this period, reigned with uncontrouled sway over the gloomy empire of darkness. A belief in the power of charms, and talismans, has prevailed in a greater or lesser degree in most ages and nations. A *judicious sceptic,* therefore, will not ground his disbelief of a *natural event*, because the ignorant witness, who testifies it, ascribes it to a *preternatural cause.* An incident, much more remarkable than Lord Gowry's not bleeding till his belt was unloosed, is authenticated in the trial of Philip Stansfield for parricide, A. D. 1688; a trial which it would be superfluous in me to publish, as a proper abridgment of it has already been made by Salmon. James Muirhead, surgeon, in the course of this trial,

The parliament pronounced a sentence, declaring the late Earl of Gowry and Mr. Alexander Ruthven to have committed manifest treason in all points contained in the summons; and, therefore, decerning their name, memory, and dignity, to be extinguished; their arms to be cancelled; their whole estate, real and parsonal, to be forfeited, and annexed to the crown; their bodies to be taken to the cross of Edinburgh, and drawn, hanged, and quartered; the name of Ruthven to be abolished; and their posterity, and their surviving brethren, to be incapable of succeeding to, or of holding any offices, honours, or possessions.*

The parliament, at the same time, pronounced a similar sentence on Alexander and Henry Ruthven, sons to the Laird of Freeland, Hugh Moncrieffe, brother to

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deposed, "That upon the prisoner's assisting to lift the body of his deceased father Sir James Stansfield, after it had been sewed up, and clean linen put on, *it darted out blood through the linen, from the left side of the neck, which the panel touched; but that when he (the witness) and the other surgeon, put on the linen, and stirred and moved the head and neck before, he saw no blood at all.*" This is confirmed by another witness; and it is worthy of remark, that Sir James was not stabbed or shot, but strangled.—*Salmon's State Trials, p.* 610.

* How different this sentence, how different the execrable law of Arcadius and Honorius, upon which it is founded, from the following law of our brave, our free ancestors, the Goths, whom we call Barbarians! "Omnia crimina suos sequantur auctores. Nec pater pro filio, nec filius pro patre, nec uxor pro marito, nec maritus pro uxore, nec frater pro fratre, nec vicinus pro vicino, nec proquinquus pro proquinquo, ullam calamitatem pertimescat. Sed ille solus judicetur culpabilis, qui culpanda commiserit; et crimen cum illo qui fecerit moriatur: Nec successores aut haeredes pro factis parentum ullam calamitatem pertimescant."—*Leges Wisegothorum, Lib.* 6. *tit.* 1. *L.* 8. The reader may compare the above with a certain other law, which his reflection will suggest to him.—This sentence, in one particular, exceeded the capricious cruelty of the Roman emperors, viz. in the insult offered to the dead bodies. Sticking the head and limbs of traitors upon poles, or hanging the body in chains, is a refinement of modern tyrants. "Corpora eorum qui capite damnantur, cognatis ipsorum neganda non sunt. Eorum quoque corpora qui exuriendi damnantur, peti possunt: Scilicet ut ossa et cineres collecta sepulturæ tradi possint." *Digest. Lib.* 48. *tit.* 24. *l.* 1.

the Laird of Moncrieffe, and Patrick Eviot, brother to the Laird of Balhousie. And, on the 22d of August preceding, three of their accomplices, Mr. Thomas Cranston, and George Craigengelt, servants to the Earl of Gowry, and John Macduff, who, with their drawn swords, had rushed up the turnpike with the Earl of Gowry, and assaulted Sir Thomas Erskine, &c. on a proof led, as well as their own confessions, were convicted before the court of justiciary at Perth, and executed the same day.

SIR WALTER RALEIGH,

TRIED AT WINCHESTER, UPON AN INDICTMENT OF HIGH-TREASON, IN THE FIRST YEAR OF THE REIGN OF JAMES I. ANNO DOM. 1602.

THE arraignment of Sir Walter Raleigh, knight, at Winchester, Thursday, 17th of November, anno 1603, before the right honourable

Henry Howard Earl of Suffolk, Lord-Chamberlain.
Charles Blunt Earl of Devonshire.
Lord Henry Howard, afterwards Earl of Northampton.
Robert Cecil, Earl of Salisbury.
Edward Lord Wooton, of Marley.
Sir John Stanhope, Vice-Chamberlain.
Lord Chief-Justice of England, Popham.
Lord Chief-Justice of the Common Pleas, Anderson.
Mr. Justice Gaudie.
Mr. Justice Warburton, and
Sir William Wade, Commissioners.

Sir Walter being brought to the bar, he sat down upon a stool, within the place made on purpose for the prisoners to be in while waiting the coming of the lords. During which time he saluted divers of his acquaintance with a very cheerful countenance: when the commissioners were all met, having stood up a while, he desired the marshal to ask leave of the lords that he might sit, which was granted him; and then they proceeded to the arraignment.

First, The commission of Oyer and Terminer was read by the clerk of the Crown-office; and the prisoner commanded to hold up his hand.

The indictment was then read, which was in effect as follows:

"That he did conspire and go about to deprive the king of his government; to raise up sedition within the realm; to alter religion, to bring in the Roman superstition, and to procure foreign enemies to invade the kingdom. That the Lord Cobham, the ninth of June last, did meet with the said Sir Walter Raleigh in Durham-house, in the parish of St. Martins in the Fields, and then and there had conference with him, how to advance Arabella Stewart to the crown and the royal throne of this kingdom; and that then and there it was agreed, that Cobham should treat with Aremberg, ambassador from the Archduke of Austria, to obtain of him 600,000 crowns, to bring to pass their intended treasons. It was agreed that Cobham should go to the Archduke Albert, to procure him to advance the pretended title of Arabella: from thence knowing that Albert had not sufficient means to maintain his own army in the Low-countries, Cobham should go to Spain to procure the king to assist and further her pretended title.

"It was agreed, the better to effect all this conspiracy, that Arabella should write three letters, one to the Archduke, another to the King of Spain, and another to the Duke of Savoy, and promise three things: first, to establish firm peace between England and Spain. Secondly, to tolerate the Popish and Roman superstition. Thirdly, to be ruled by them in contracting of her marriage.

"And for the effecting these traitorous purposes, Cobham should return by the Isle of Jersey, and should find Sir Walter Raleigh Captain of the said Isle there, and take counsel of Raleigh for the distributing of the aforesaid crowns, as the occasion or discontentment of the subjects should give cause and way.

"And further, that Cobham and his brother Brook met on the 9th of June last, and Cobham told Brook all these treasons: to the which treasons Brook gave his assent, and did join himself to all these; and after, on the Thursday following, Cobham and Brook did speak these words: 'That there would never be a good world in England, till the king (meaning our sovereign lord) and his cubs (meaning his royal issue) were taken away."

"And the more to disable and deprive the king of his crown, and to confirm the said Cobham in his intents, Raleigh did publish a book, falsely written against the most just and royal title of the king, knowing the said book to be written against the just title of the king; which book Cobham afterwards received of him. Further, for the better effecting these traitorous purposes, and to establish the said Brook in his intent, the said Cobham did deliver the said book unto him on the 14th of June. And further, the said Cobham, on the 16th of June, for accomplishment of the said conference, and by the traitorous instigation of Raleigh, did move Brook to incite Arabella to write to the forenamed princes, to procure them to advance her title; and that she, after she had

SIR WALTER RALEIGH.

Engraved by Neele & Stroblop 352 Strand.

obtained the crown, should promise to perform three things, viz. 1. Peace between England and Spain. 2. To tolerate with impunity the Popish and Roman superstitions. 3. To be ruled by them three in the contracting of her marriage.

"To these motions the said Brook gave his assent. And for the better effecting of the said treasons, Cobham on the 17th of June, by the instigation of Raleigh, did write letters to Count Aremberg, and did deliver the said letters to one Matthew de Lawrency, to be delivered to the said count; which he did deliver for the obtaining of the 600,000 crowns; which money by other letters Count Aremberg did promise to perform the payment of; and this letter Cobham received the 18th of June. And then did Cobham promise to Raleigh, that when he had received the said money, he would deliver 8,000 crowns to him; to which motion he did consent; and afterwards Cobham offered Brook, that after he should receive the said crowns, he would give to him 10,000 thereof; to which motion Brook did assent."

To this indictment Sir Walter Raleigh pleaded not guilty.

THE JURY.

Sir Ralph Conisby, knt.	Thomas Walker, esq.
Sir Thomas Fowler, knt.	Thomas Whitby, esq.
Sir Edward Peacock, knt.	Thomas Highgate, gent.
Sir William Rowe, knt.	Robert Kempthon, gent.
Henry Goodyer, esq.	John Chawkey, gent.
Roger Wood, esq.	Robert Brumley, gent.

Sir Walter Raleigh, prisoner, was asked whether he would take exceptions to any of the Jury?

Raleigh.—"It is my firm opinion that they are all christians, and honest gentlemen; I object against none."

E. Suff.—"You, gentlemen of the king's learned counsel, follow the course you may deem most expedient."

Raleigh.—"My lord, I pray you I may answer the points particularly as they are delivered, by reason of the weakness of my memory and sickness."

Popham, Chief-Justice.—"After the king's learned counsel have delivered all the evidence, Sir Walter, you may answer particularly to what you will."

Heal, the King's Serjeant at Law. You have all heard of Raleigh's bloody attempts to kill the king and his royal progeny, and in place thereof to advance one Arabella Stewart: the particulars of the indictment are these. First, that Raleigh met with Cobham the 9th of June, and had conference of an invasion, of a rebellion, and an insurrection, to be made by the king's subjects, to depose the king, and to kill his children. But as money was required to do this, for money is the sinew of war, Count Aremberg was to procure of Philip, King of Spain, five or six hundred

thousand crowns, and out of this sum Raleigh was to have eight thousand. Then there must be friends to effect this: Cobham was to set out to Albert, Archduke of Austria, for whom Aremberg was ambassador at that time in England, and pursuade the duke to assist the pretended title of Arabella. From thence he was to depart to the King of Spain, and persuade him likewise to assist the said title. Since the conquest there was never the like treason. But out of whose head came it? out of Raleigh's, who also advised Cobham to use his brother Brook to incite the Lady Arabella to write three several letters, as aforesaid in the indictment; all this was on the ninth of June. After this Cobham said to Brook, it will never be well in England till the king and his cubs are taken away. Afterwards Raleigh delivered a book to Cobham, traiterously written against the title of the king. Now whether these things were bred in a hollow tree, I leave to them to speak of, who can speak far better than myself. And thereupon he sat down again."

Sir Edward Cook, the King's Attorney.—"I must first, my lords, before I come to the cause, give one caution, because we shall often mention persons of eminent places, some of them, great monarchs: whatever we say of them, we shall but repeat what others have said of them; I mean the capital offenders in their confessions: we professing law, must speak reverendly of kings and potentates. I perceive these honourable lords, and the rest of this great assembly, are come to hear what hath been scattered upon the wreck of report. We carry a just mind, to condemn no man but upon plain evidence. Here is mischief, mischief in *summo gradu*, exorbitant mischief. My speech shall chiefly touch these three points; Imitation, Supportation, and Defence.

"The imitation of evil ever exceeds the precedent; as, on the contrary, imitation of good ever comes short. Mischief cannot be supported but by mischief; yea, it will so multiply, that it will bring all to confusion. Mischief is ever underpropped by falsehood of foul practices. And because all these things did concur in this treason, you shall understand the main, as before you did the bye.

"The treason of the bye, consisteth in these points: first, that the lords Grey, Brook, Markham, and the rest, intended, by force in the night, to surprise the king's court; which was a rebellion in the heart of the realm, yea, in the heart of the heart—in the court. They intended to take him that is a sovereign, to make him subject to their power, purposing to open the doors with musquets and calievers, and to take also the prince and council. Then, under the king's authority, to carry the king to the Tower; and to make a stale of the admiral. When they had the king there, to extort three things from him: first, a pardon for all their treasons. Secondly, a toleration of the Roman superstition; which, their eyes shall sooner fall out than they shall ever see; for the king hath spoken these words in the hearing of many, "I will lose the crown, and my life, before ever I will alter religion." And, thirdly, to remove counsellors. In the room of the lord-chancellor, they would have placed one

Watson, a priest, absurd in humanity, and ignorant in divinity. Brook, of whom I will speak nothing, lord-treasurer. The great secretary must be Markham, *oculus patriæ*. A hole must be found in my lord-chief-justice's coat. Grey must be earl-marshal, and master of the horse, because, he would have a table in the court: marry, he would advance the Earl of Worcester to a higher place. All this cannot be done without a multitude; therefore, Watson, the priest, tells a resolute man, that the king was in danger of puritans and jesuits; so to bring him in blindfold into the action, saying, that the king is no king till he be crowned; therefore, every man might right his own wrongs: but he is *rex natus*, his dignity descends as well as yours, my lords. Then, Watson imposed a blasphemous oath, that they should swear to defend the king's person, to keep secret what was given them in charge, and seek all ways and means to advance the catholic religion. Then, they intended to send for the lord-mayor and the aldermen, in the king's name, to the Tower, lest they should make any resistance, and then to take hostages of them; and to enjoin them to provide for them victuals and munition. Grey, because the king removed before Midsummer, had a further reach, to get a company of swordsmen to assist in the action: therefore, he would stay till he had obtained a regiment from Ostend or Austria. So, you see, these treasons were like Sampson's foxes, which were joined in their tails, though their heads were severed."

Raleigh.—" You, gentlemen of the jury, I pray remember, I am not charged with the bye, being the treason of the priest.

Attorney.—You are not; my lords, you shall observe three things in the treasons. First, they had a watch-word, (the king's safety) their pretence was *bonum in se*, their intent was *malum in se*. Secondly, they avouched scripture; both the priests had *scriptum est;* perverting and ignorantly mistaking the scriptures. Thirdly, they avouched the common law, to prove that he was no king till he was crowned; alleging a statute of Eliz. 13. This, by way of imitation, hath been the course of all traitors."

" In the 20th of Edw. II., Isabella, the queen, and Lord Mortimer, gave out, that the king's person was not safe, for the good of the church and commonwealth.

" The Bishop of Carlisle did preach on this text, 'my head is grieved,' meaning, by the head, the king; that when the head began to be negligent, the people might reform what is amiss.

" In the 3d Henry IV. Sir Roger Claringdon, accompanied with two priests, gave out, that Richard II. was alive, when he was dead.

" Edward III. caused Mortimer's head to be cut off, for giving counsel to murder the king.

" The 3d Henry VII., Sir William Stanly found the crown in the dust, and set it on the king's head; when Fitzwater and Garret told him that Edward V. was alive, he said, 'If I be alive, I will assist him.' But this cost him his head.

" Edward de la Pool, Duke of Suffolk, killed a man, in the

reign of King Henry VII. for which the king would have him hold up his hand at the bar, and then pardoned him. Yet, he took such an offence thereat, that he sent to the noblemen, to help to reform the commonwealth; and then said, he would go to France, and get power there. Sir Roger Compton knew all the treason, and discovered Windon and others, that were attainted.

"He said, there was another thing would be stood upon, namely, 'that they had but one witness.' Then he vouched one Appleyard's case, a traitor in Norfolk, who said, a man must have two accusers. Helms was the man that accused him; but Mr. Justice Catlin said, that that statute was not in force at that day. His words were, 'thrust her into the ditch.'"

Then he went on speaking of accusers, and made this difference:

"An accuser is a speaker by report; when a witness is he that, upon his oath, shall speak his knowledge of any man.

"A third sort of evidence there is likewise, and this is held more forcible than either of the other two; and that is, when a man, by his accusation of another, shall, by the same accusation, also condemn himself, and make himself liable to the same fault and punishment: this is more forcible than many witnesses. So then so much by way of imitation. Then he defined treason; there is treason in the heart, in the hand, in the mouth, in consummation. Comparing that in *corde* to the root of a tree; in *ore* to the bud; in *manu* to the blossom; and that which is *in consummatione*, to the fruit.

"Now I come to your charge, you of the jury. The greatness of treason is to be considered in these two things, *determinatione finis*, and *electione mediorum*. This treason excelleth in both, for that it was to destroy the king and his progeny. These treasons are said to be *crimen læsæ majestatis;* this goeth further, and may be termed *crimen extirpandæ regiæ majestatis, & totius progeniei suæ*. I shall not need, my lords, to speak any thing concerning the king, nor of the bounty and sweetness of his nature, whose thoughts are innocent, whose words are full of wisdom and learning, and whose works are full of honour; although it be a true saying, *nunquam nimis quod nunquam satis*. But to whom do you bear your malice?—to the children."

Raleigh.—"To whom speak you this? You tell me news I never heard of."

Attorney.—"Oh! sir, do I? I will prove you the most notorious traitor that ever came to the bar. After you have taken away the king, you would alter the religion. As you, Sir Walter Raleigh, have followed them of the Bye in imitation; for I will charge you with the words."

Raleigh.—"Your words cannot condemn me; my innocence is my defence; prove one of these things, wherewith you have charged me, and I will confess the whole indictment, and that I am the most horrible traitor that ever lived, and worthy to be crucified with a thousand thousand torments."

Attorney.—"Nay, I will prove all; thou art a monster, thou hast an English face, but a Spanish heart. Now you must have money. Aremberg was no sooner in England, but thou incitest Cobham to go unto him, and to deal with him for money, to bestow on discontented persons, to raise rebellion in the kingdom."

Raleigh.—"Let me answer for myself."

Attorney.—"Thou shalt not."

Raleigh.—"It concerneth my life."

Lord Chief-Justice Popham.—"Sir Walter Raleigh, Mr. Attorney, is but yet in the general; but, when the king's council have given the evidence wholly, you shall answer every particular."

Attorney.—"Oh! Do I touch you."

Lord Cecil.—"Mr. Attorney, when you have done with this general charge, do you not mean to let him answer to every particular?"

Attorney.—"Yes, when we deliver the proofs to be read. Raleigh procured Cobham to go to Aremberg, which he did by his instigation. Raleigh supped with Cobham before he went to Aremberg; after supper, Raleigh conducted him to Durham-house; from whence Cobham went with Lawrency, a servant of Aremberg's, unto him, and went in by a back way. Cobham could never be quiet until he had entertained this motion, for he had four letters from Raleigh. Aremberg answered, the money should be performed, but knew not to whom it should be distributed. Then Cobham and Lawrency came back to Durham-house, where they found Raleigh. Cobham and Raleigh went up, and left Lawrency below, where they had secret conference in a gallery; and after, Cobham and Lawrency departed from Raleigh. Your jargon was peace! What is that? Spanish invasion, Scottish subversion. And again, you are not a fit man to take so much money for procuring of a lawful peace, for peace procured by money is dishonourable. Then, Cobham must go to Spain, and return by Jersey, where you were captain: and then, because Cobham had not so much policy, or at least wickedness as you, he must have your advice for the distribution of the money. Would you have deposed so good a king, lineally descended of Elizabeth, eldest daughter of Edward IV.? Why then must you set up another? I think you meant to make Arabella a titular-queen, of whose title I will speak nothing, but sure you meant to make her a stale. Ah! good lady! You could mean her no good."

Raleigh.—"You tell me news, Mr. Attorney."

Attorney.—"Oh, Sir! I am the more at large, because I know with whom I deal; for we have to deal to-day with a man of wit."

Raleigh.—"Did I ever speak with this lady?"

Attorney.—"I will tract you out before I have done. Englishmen will not be led by persuasion of words, but they must have books to persuade."

Raleigh.—"The book was written by a man of your profession, Mr. Attorney."

Attorney.—"I would not have you impatient."

Raleigh.—"Methinks you fall out with yourself, I say nothing."

Attorney.—"By this book you would persuade men that the king is not the lawful king. Now let us consider some circumstances. My lords, you know my Lord Cobham (for whom we all lament and rejoice; lament, in that his house, which hath stood so long unspotted, is now ruinated; rejoice, in that his treasons are revealed). He was neither politician nor swordsman; Raleigh was both, united in the cause with him, and, therefore, cause of his destruction. Another circumstance is the secret contriving of it. Humphrey Stafford claimed sanctuary for treason. Raleigh, in his machivilian policy, hath made a sanctuary for treason. He must talk with none but Cobham, 'because,' saith he, 'one witness can never condemn me. For Brook said unto Sir Griffith Markham, take heed how you do make my Lord Cobham acquainted; for whatsoever he knoweth, Raleigh, the witch, will get it out of him.' As soon as Raleigh was examined on one point of treason concerning my Lord Cobham, he wrote to him thus: 'I have been examined of you, and confessed nothing.' Further, you sent to him, by your trusty Francis Kemish, that one witness could not condemn; and, therefore, bade his lordship be of good courage. Came this out of Cobham's quiver? No; but out of Raleigh's machivilian and devilish policy. Yea, but Cobham did retract it: Why then did you urge it? Now, then, see the most horrible practices that ever came out of the bottomless pit of the lowest hell. After that Raleigh had intelligence that Cobham had accused him, he endeavoured to have intelligence from Cobham, which he had gotten by young Sir John Payton; but, I think, it was the error of his youth."

Raleigh.—"The Lords told it me, or else I had not been sent to the Tower."

Attorney.—"Thus Cobham, by the instigation of Raleigh, entered into these actions; so that the question will be, 'whether you are not the principal traitor, and he would nevertheless have entered into it' Why did Cobham retract all that same? First, because Raleigh was so odious, he thought he should fare the worse for his sake. Secondly, he thought thus with himself, if he be free, I shall clear myself the better. After this, Cobham asked for a preacher to confer with, pretending to have Dr. Andrews; but, indeed, he meant not to have him, but Mr. Galloway, a worthy and reverend preacher, 'who can do more with the king,' as he said, 'than any other; that he, seeing his constant denial, might inform the king thereof.' Here he plays with the preacher. If Raleigh could persuade the lords, that Cobham had no intent to travel, then he thought all should be well. Here is forgery. In the Tower, Cobham must write to Sir Thomas Vane, a worthy man, that he meant not to go into Spain; which letter Raleigh had devised in Cobham's name."

Raleigh.—"I will wash my hands of the indictment, and die a true man to the king."

Attorney.—"You are the most absolute traitor that ever was."

Raleigh.—"Your phrases will not prove it, Mr. Attorney."

Attorney.—"Cobham writeth a letter to my Lord Cecil, and

doth command Mellis, his man, to lay it in a Spanish bible, and to make as if he found it by chance. This was after he had intelligence with this viper that he was false."

Lord Cecil.—"You mean a letter intended to me; I never had it."

Attorney.—"No, my Lord, you had it not. You, my masters of the jury, respect not the wickedness and hatred of the man; respect his cause. If he be guilty, I know you will have care of it, for the preservation of the king, the continuance of the gospel authorised, and the good of us all."

Raleigh.—"I do not hear yet, that you have spoken one word against me; here is no treason of mine done. If my Lord Cobham be a traitor, what is that to me?"

Attorney.—All that he did was by thy instigation, thou viper; 'twas through thee, thou traitor."

Raleigh.—"It becometh not a man of quality and virtue to call me so; but I take comfort in it, it is all you can do."

Attorney.—"Have I angered you?"

Raleigh.—"I am in no case to be angry."

Popham.—"Sir Walter Raleigh, Mr. Attorney speaketh out of the zeal of his duty, for the service of the king, and you for your life; be valiant on both sides."

Then they proceeded to the reading the proofs.

The Lord Cobham's examination read.

He confesseth he had a passport to go into Spain, intending to go to the archduke, to confer with him about these practices; and, because he knew the archduke had not money to pay his own army, from thence he meant to go to Spain, to deal with the king for the 600,000 crowns, and to return by Jersey; and that nothing should be done until he had spoken to Sir Walter Raleigh, for distribution of the money to them which were discontented in England. At the first beginning he breathed out oaths and exclamations against Raleigh, calling him villain and traitor; saying he had never entered into these courses, but by his instigation, and that he would never let him alone.

[Here Mr. Attorney willed the clerk of the crown-office to read over these last words again, 'he would never let him alone.']

Besides, he spake of plots and invasions, of the particulars whereof he could give no account, though Raleigh and he had conferred of them. Further, he said, he was afraid of Raleigh, that when he should return by Jersey, that he would have him and the money to the king. Being examined concerning Sir Arthur Gorge, he freed

him, saying, 'they never durst trust him;' but Sir Arthur Savage they intended to use, because they thought him a fit man.

Raleigh.—"Let me see the accusation. This is absolutely all the evidence that can be brought against me; poor shifts! You, gentlemen of the jury, I pray you understand this: This is that which must either condemn, or give me life; which must free me, or send my wife and children to beg their bread about the streets. This it is that must prove me a notorious traitor, or a true subject to the king. Let me see my accusation, that I may make my answer."

Clerk of the Council.—"I read it, and shewed you all the examinations."

Raleigh.—"At my first examination at Windsor, the lords asked me, what I knew of Cobham's practice with Aremberg? I answered negatively: And, as concerning Arabella, I protest before God, I never heard one word of it. If that be proved, let me be guilty of ten thousand treasons. It is a strange thing you will impute that to me, when I never heard so much as the name of Arabella Stewart, but only the name of Arabella.

"After being examined, I told my lords, that I thought my Lord Cobham had conference with Aremberg; I suspected his visiting of him: for after he departed from me at Durham-house, I saw him pass by his own stairs, and walk over to St. Mary Saviours, where I knew Lawrency, a merchant, and a follower of Aremberg, lay, and therefore likely to go unto him. My Lord Cecil asked my opinion concerning Lawrency: I said, that if you do not apprehend Lawrency, it is dangerous, he will fly; if you do apprehend him, you shall give my Lord Cobham notice thereof. I was asked, likewise, who was the greatest man with my Lord Cobham? I answered, I knew no man so great with him as young Wyatt of Kent.

"As soon as Cobham saw my letter had discovered his dealing with Aremberg, in his fury he accused me; but before he came to the stair-foot he repented, and said he had done me wrong. When he came to the end of his accusation, he added, that if he had brought this money to Jersey, he feared that I would have delivered him and the money to the king. Mr. Attorney, you said, this never came out of Cobham's quiver, he is a simple man. Is he so simple? No; he hath a diposition of his own; he will not easily be guided by others; but when he has once taken head in a matter, he is not easily drawn from it; he is no babe. But it is strange for me to devise with Cobham, that he should go to Spain to persuade the king to disburse so much money, he being a man of no love in England, and I having resigned my place of chiefest command, the wardenship of the Stannaries. Is it not strange for me to make myself Robin Hood, or a Kett, or a Cade? I knowing England to be in better estate to defend itself than ever it was. I knew Scotland united, Ireland quieted, wherein of late our forces were dispersed; Denmark assured, which before was

suspected. I knew, that having a lady, whom time had surprized, we had now an active king, a lawful successor, who would himself be present in all his affairs. The state of Spain was not unknown to me. I had written a discourse, which I had intended to present unto the king, against peace with Spain. I knew the Spaniard had six repulses, three in Ireland, and three at sea, and once in 1588, at Cales, by my Lord Admiral; I knew he was discouraged and dishonoured. I knew the King of Spain to be the proudest prince in Christendom; but now he cometh creeping to the king, my master, for peace. I knew whereas before he had in his port six or seven score sail of ships, he hath now but six or seven. I knew of twenty-five millions he had from his Indies, he hath scarce one left. I knew him to be so poor, that the Jesuits in Spain, who were wont to have such a large allowance, were fain to beg at the church-door. Was it ever read, or heard, that any prince should disburse so much money without a sufficient pawn? I knew her own subjects, the citizens of London, would not lend her majesty money without lands in mortgage. I know the queen did not lend the States money without Flushing, Brill, and other towns for a pawn. And can it be thought, that he would let Cobham have so great a sum?

"I never came to the Lord Cobham's but about matters of his profit; as the ordering of his house, paying of the servants' boardwages, &c. I had of his, when I was examined, 4,000*l.* worth of jewels for a purchase; a pearl of 3,000*l.*, and a ring worth 500*l.* If he had had a fancy to run away, he would not have left so much to have purchased a lease in fee-farm. I saw him buy 300*l.* worth of books to send to his library at Canterbury, and a cabinet of 30*l.* to give to Mr. Attorney, for drawing the conveyances; and God in heaven knoweth, not I, whether he intended to travel or no. But for that practice with Arabella, or letters to Aremberg framed, or any discourse with him, or in what language he spake unto him; if I knew any of these things, I would absolutely confess the indictment, and acknowledge myself worthy ten thousand deaths."

Cobham's second examination read.

The Lord Cobham being required to subscribe to an examination, there was shewed a note under Sir Walter Raleigh's hand, the which, when he had perused, he paused, and afterwards brake forth into these speeches, "Oh, villain! Oh, traitor! I will now tell you the truth:" and then said, "his purpose was to go into Flanders, and into Spain, for the obtaining the aforesaid money, and that Raleigh had appointed to meet him in Jersey, as he returned home, to be advised of him about the distribution of the money."

Popham, Lord-Chief-Justice.—"When Cobham answered to the interrogatories he made scruple to subscribe, and being

urged to it, he said, if he might hear me affirm, that a person of his degree ought to set his hand, he would; I lying then at Richmond, for fear of the plague, was sent for, and told him he ought to subscribe; otherwise it were a contempt of a high nature: then he subscribed. The lords questioned him further, and he shewed them a letter, as I thought written to me, but, indeed, it was written to my Lord Cecil: he desired to see the letter again, and then said, 'Oh, wretch! Oh, traitor!' whereby I perceived you had not performed that trust he had reposed in you."

Raleigh.—" He is as passionate a man as lives; for he hath not spared the best friends he hath in England in his passion. My Lords, I take it, he that has been examined, has ever been asked, at the time of this examination, if it be according to his meaning, and then to subscribe. Methinks, my Lords, when he accuses a man, he should give some account and reason of it; it is not sufficient to say, we talked of it. If I had been the plotter, would not I have given Cobham some arguments, whereby to persuade the King of Spain, and answer his objections. I knew Westmoreland and Bothwell, men of other understandings than Cobham, were ready to beg their bread."

Sir Thomas Fowler, one of the jury:—" Did Sir Walter Raleigh write a letter to my lord, before he was examined concerning him, or not?"

Attorney.—" Yes."

Lord Cecil.—" I am in great dispute with myself to speak in the case of this gentleman: a former tenderness, between me and him, tied so firm a knot of my conceit of his virtues, now broken by a discovery of his imperfections. I protest, did I serve a king that I knew would be displeased with me for speaking, in this case I would speak, whatever came of it: but, seeing he is compacted of piety and justice, and one that will not mislike of any man for speaking a truth, I will answer your question.

" Sir Walter Raleigh was arrested by me at Windsor, upon the first news of Copley, that the king's person should be surprized by my Lord Grey, and Mr. George Brook; when I found Brook was in, I suspected Cobham; then I doubted Raleigh to be a partaker. I speak not this, that it should be thought I had greater judgment than the rest of my lords, in making this haste to have them examined. Raleigh following to Windsor, I met with him upon the terrace, and willed him, as from the King, to stay, saying the lords had something to say to him: then he was examined, but not concerning my Lord Cobham, but of the surprising treason. My Lord Grey was apprehended, and likewise Brook. By Brook we found, that he had given notice to Cobham of the surprising treason, as he delivered it to us, but with as much sparingness of a brother as he might. We sent for my Lord Cobham to Richmond, where he stood upon his justification, and his quality; sometimes being froward, he said, he was not bound to subscribe, wherewith we made the King acquainted. Cobham said, if my lord-chief-justice would say it were a contempt, he would subscribe; whereof being resolved, he subscribed. There was a light given to Aremberg;

that Lawrency was examined, but that Raleigh knew that Cobham was examined, is more than I know."

Raleigh.—"If my Lord Cobham had trusted me in the main, was not I as fit a man to be trusted in the bye?"

Lord Cecil.—"Raleigh did by his letters acquaint us, that my Lord Cobham had sent Lawrency to Aremberg, when he knew not he had any dealings with him."

Lord H. How.—"It made for you, if Lawrency had been only acquainted with Cobham, and not with you. But you knew his whole estate, and were acquainted with Cobham's practice with Lawrency, and it was known to you before, that Lawrency depended on Aremberg."

Attorney.—"1st, Raleigh protested against the surprising treason. 2d, That he knew not of the matter touching Arabella. I would not charge you, Sir Walter, with a matter of falsehood: you say, you suspected the intelligence that Cobham had with Aremberg, by Lawrency."

Raleigh.—"I thought it had been no other intelligence, but such as might be warranted."

Attorney.—"Then it was but lawful suspicion. But to that whereas you said, that Cobham had accused you in passion, I answer three ways: 1st, I observed when Cobham said, 'Let me see the letter again?' he paused; and when he did see that Count Aremberg was touched, he cried out, 'Oh, Traitor! Oh, Villain! Now will I confess the whole truth.' 2d, The accusation of a man on hearsay, is nothing: would he accuse himself on passion, and ruinate his cause and posterity, out of malice to accuse you? 3d, could this be out of passion? mark the manner of it: Cobham had told this at least two months before to his brother Brook; 'you are on the bye, Raleigh and I are on the main; we mean to take away the King and his Cubs;' this he delivered two months before. So mark the manner and the matter; he would not turn the weapon against his own bosom, and accuse himself to accuse you."

Raleigh.—"Hath Cobham confessed that?"

Lord-Chief-Justice.—"This is spoken by Mr. Attorney, to prove that Cobham's speech came not out of passion."

Raleigh.—"Let it be proved that Cobham said so."

Attorney.—"Cobham saith, he was a long time doubtful of Raleigh, that he would send him and the money to the King: Did Cobham fear lest you would betray him in Jersey? Then of necessity there must be trust between you. No man can betray a man but he that is trusted, in my understanding. This is the greatest argument to prove that he was acquainted with Cobham's proceedings. Raleigh has a deeper reach than to make himself, as he said, a Robin Hood, a Kett, or Cade; yet I never heard that Robin Hood was a traitor; they say he was an outlaw. And whereas he saith, that our King is not only more wealthy and potent than his predecessors, but also more politic and wise, so that he could have no hope to prevail: I answer, there is no King so potent, wise, and active, but he may be overtaken through treason. Whereas you say Spain is so poor, discoursing so largely thereof;

It had been better for you to have kept in Guiana, than to have been so well acquainted with the state of Spain. Besides, if you could have brought Spain and Scotland to have joined, you might have hoped to prevail a great deal the better. For his six overthrows, I answer, he hath the more malice, because repulses breed desire of revenge. Then you say, you never talked with Cobham but about leases, and letting lands, and ordering his house; I never knew you clerk of the kitchen, &c. If you had fallen on your knees at first, and confessed the treason, it had been better for you. You say, he meant to have given me a cabinet of thirty pounds: perhaps he thought, by those means, to have anticipated me therewith. I answer, all this accusation in circumstance is true: here now I might appeal to my lords, that you take hold of this, that he subscribed not to the accusation."

Lord. H. How.—"Cobham was not then pressed to subscribe."

Attorney.—"His accusation being testified by the Lords, is of as great force as if he had subscribed. Raleigh saith again, 'if the accuser be alive, he must be brought face to face to speak;' and alleges 25th Edw. III. that there must be two sufficient witnesses that must be brought face to face before the accused, and alledgeth 10th and 13th Eliz."

Raleigh.—"You try me by the Spanish Inquisition, if you proceed only by the circumstances without two witnesses."

Attorney.—"This is a treasonable speech."

Raleigh.—"*Evertere hominem justum in Causa sua injustum est:* Good my lords, let it be proved either by the laws of the land, or the laws of God, that there ought not to be two witnesses appointed; yet I will not stand to defend this point in law, if the King will have it so. It is no rare thing for a man to be falsely accused. My Lords, it is not against, nor contrary to law, to have my accuser brought hither; I do not demand it of right, and yet I must needs tell you, that you will deal very severely with me, if you condemn me, and not bring my accuser to my face. Remember the story which Fortescue relates of a certain reverend judge of this land, which condemned a woman at Salisbury for the murder of her husband, upon presumption, and the testimony, it seems, of one witness; for which she was burnt; and how that afterwards a servant of the man that was slain, being to be executed for another crime, confessed that he had murdered his master himself, and that the woman was innocent. What did the judge say to Fortescue, out of remorse of conscience? *Quod nunquam de hoc facto animam in vita sua purgaret.* He could never have peace of conscience, though he did no more than pronounce judgment upon the verdict of the jury. Why then, my Lords, let my accuser be brought, and let me ask him a question, and I have done; for it may be, it will appear from his own relation, that his accusation cannot be true, or he may be discovered by examination. I must tell you, Mr. Attorney, if you condemn me upon bare inferences, and will not bring my accuser to my face, you try me by no law, but by a Spanish inquisition. If my accuser were dead, or out of the realm, it were something; but my accuser lives, as I said already, and is

in the house, and yet you will not bring him to my face. It is also commanded by the scripture, *Allocutus est Jehova Mosen, In Ore duorum aut trium Testium, &c.*

"If Christ requireth it, as it appeareth, Matt. 18. if by the canon, civil law, and God's word, it be required that there must be two witnesses at the least, bear with me if I desire one.

"I would not desire to live, if I were privy to Cobham's proceedings. I had been a slave, a fool, if I had endeavoured to set up Arabella, and refused so gracious a Lord and Sovereign: but urge you proofs."

Lord-Chief-Justice.—"You have offered questions on divers statues, all which mention two accusers in case of indictments; you have deceived yourself, for the laws of 25th Edw. III., and 5th Edw. VI. are repealed. It sufficeth now if there be proofs made either under hand, or by testimony of witnesses, or by oaths; it needs not the subscription of the party, so there be hands of credible men to testify the examination."

Raleigh.—"It may be an error in me, and if those laws be repealed, yet I hope the equity of them remains still; but if you affirm it, it must be a law to posterity. The proof of the common law is by witness and jury; let Cobham be here, let him speak it. Call my accuser before my face, and I have done."

Attorney.—"*Scientia sceleris est mera ignorantia.* You have read the letter of the law, but understand it not. Here was your anchor-hold, and your rendezvous: you trust to Cobham; either Cobham must accuse you, or nobody; if he did, then it would not hurt you, because he is but one witness; if he did not, then you are safe."

Raleigh.—"If ever I read word of the law or statute before I was prisoner in the Tower, God confound me."

Attorney.—"Now I come to prove the circumstances of the accusation to be true. Cobham confessed he had a pass-port to travel, hereby intending to present overtures to the archduke, and from thence to go to Spain, and there to have conference with the King for money: You say he promised to come by Jersey, to make merry with you and your wife."

Raleigh.—"I said, in his return from France, not Spain."

Attorney.—"Further, in his examination he saith, nothing could be set down for the distribution of the money to the discontented, without conference with Raleigh. You said it should have been for procurement of peace, but it was for raising rebellion. Further, Cobham saith, he would never have entered into these courses, but by your instigation, and that you would never let him alone. Your scholar was not apt enough to tell us all the plots; that is enough for you to do, that are his master: you intended to trust Sir Arthur Savage, whom I take to be an honest and true gentleman, but not Sir Arthur Gorge.

Raleigh.—"All this is but one accusation of Cobham's, I hear no other thing; to which accusation he never subscribed nor avouched it; I beseech you, my Lords, let Cobham be sent for, charge him on his soul, on his allegiance to the King; if he affirm it, I am guilty."

Lord Cecil.—" It is the accusation of my Lord Cobham, it is the evidence against you, must it not be of force without his subscription? I desire to be resolved by the judges, whether by the law it is not a forcible argument of evidence."

The Judges.—" My Lord, it is."

Raleigh.—" The King at his coronation is sworn, *In omnibus Judiciis suis Æquitatem, non Rigorem Legis, observare:* By the rigour and cruelty of the law it may be a forcible evidence."

Lord-Chief-Justice.—" That is not the rigour of the law, but the justice of the law; else when a man hath made a plain acsusation, by practice he might be brought to retract it again."

Raleigh.—" Oh my Lord, you may use equity."

Lord-Chief-Justice.—" That is from the King; you are to have justice from us."

Lord Anderson.—" The law is, if the matter be proved to the jury, they must find you guilty; for Cobham's accusation is not only against you, there are other things sufficient."

Lord Cecil.—" Now that Sir Walter Raleigh is satisfied that Cobham's subscription is not necessary, I pray you, Mr. Attorney, go on."

Raleigh.—" Good Mr. Attorney be patient, and give me leave."

Lord Cecil.—" An unnecessary patience is a hindrance; let him go on with his proofs, and then repel them."

Raleigh.—" I would answer particularly."

Lord Cecil.—" If you would have a table, and pen, and ink, you shall."

Then paper and ink were given him.

Here the clerk of the crown read the letter which the Lord Cobham did write in July, which was to the effect of his former examination, further saying, " I have disclosed all; to accuse any one falsely, were to burthen my own conscience."

Attorney.—" Read Copley's confession the 8th of June; he saith, he was offered 1,000 crowns to be in this action."

Here Watson's Additions were read.

The great mass of money from the count was impossible, saith Brook, &c.

Brook's Confession read.

There have letters passed, saith he, between Cobham and Aremberg, for a great sum of money, to assist a second action, for the surprizing of his majesty.

Attorney.—" It is not possible it was of passion; for it was in talk before three men being severally examined, who agreed in the sum to be bestowed on discontented persons. That Grey should have 12,000 crowns, and Raleigh should have 8,000, or 10,000 crowns."

Cobham's Examination, July 18th.

If the money might be procured (saith he) then a man may give pensons. Being asked if a pension should not be given to his brother Brook, he denied it not.

Lawrency's Examination.

Within five days after Aremberg arrived, Cobham resorted unto him. That night that Cobham went to Aremberg with Lawrency, Raleigh supped with him.

Attorney.—"Raleigh must have his part of the money, therefore, now he is a traitor. The crown shall never stand one year on the head of the King (my master) if a traitor may not be condemned by circumstances: For if A. tells B., and B. tells C., and C. D. &c. you shall never prove treason by two witnesses."

Raleigh's Examination was read.

He confesseth Cobham offered him 8,000 crowns, which he was to have for the furtherance of the peace between England and Spain; and that he should have it within three days. To which, he said, he gave this answer: — When I see the money I will tell you more; for I had thought it had been one of his ordinary idle conceits, and therefore made no account thereof.

Raleigh.—"The Attorney hath made a long narration of Copley, and the priests, which concerns me nothing, neither know I how Cobham was altered. For he told me, if I would agree to further the peace, he would get me 8,000 crowns. I asked him, who shall have the rest of the money? he said, I will offer such a nobleman (who was not named) some of the money. I said, he will not be persuaded by you, and he will extremely hate you for such a motion. Let me be pinched to death with hot irons, if ever I knew there was any intention to bestow the money on discontented persons. I had made a discourse against the peace, and would have printed it. If Cobham changed his mind; if the priests, if Brook had any such intent, what is that to me? they must answer for it. He offered me the money before Aremberg came, that is difference of time.

Serjeant Philips.—"Raleigh confesseth the matter, but avoideth it by distinguishing of time. You said it was offered you before the coming of Aremberg; which is false. For you being examined whether you should have such money of Cobham, or not, you said yea, and that you should have it within two or three days. *Nemo moriturus presumitur mentiri.*"

Lord Hen. How.—"Allege me any ground or cause, wherefore you gave ear to my Lord Cobham for receiving pensions, in matters you had not to deal with."

Raleigh.—"Could I stop my Lord Cobham's mouth."

Lord Cecil.—" Sir Walter Raleigh presseth, that my Lord Cobham should be brought to face him. If he ask things of favour and grace, they must come only from him that can give them. If we sit here as commissioners, how shall we be satisfied whether he ought to be brought, unless we hear the judges speak?"

Lord-Chief-Justice.—" This thing cannot be granted, for then a number of treasons should flourish. The accuser may be drawn by practice, whilst he is in person."

Judge Gawdy.—" The statute you speak of, concerning two witnesses in a case of treason, is found to be inconvenient; therefore by another law it was taken away."

Raleigh.—" The common trial of England is by jury and witnesses."

Lord-Chief-Justice.—" No, by examination, if three conspire a treason, and they all confess it; here is never a witness, yet they are condemned."

Judge Warburton.—" I marvel, Sir Walter, that you being of such experience and wit, should stand on this point; for so many horse-stealers may escape, if they may not be condemned without witnesses. If one should rush into the King's privy-chamber, whilst he is alone, and kill the King, (which God forbid) and this man be met coming with his sword drawn, all bloody, shall not he be condemned to death? my Lord Cobham hath, perhaps, been laboured withal; and to save you, his old friend, it may be that he will deny all that which he hath said."

Raleigh.—" I know not how you conceive the law."

Lord-Chief-Justice.—" Nay, we do not conceive the law, but we know the law."

Raleigh.—" The wisdom of the law of God is absolute and perfect, *hæc fac, & vives*, &c. But now the wisdom of the state, the wisdom of the law is uncertain. Indeed, where the accuser is not to be had conveniently, I agree with you; but here my accuser may—he is alive, and in the house. Susanna had been condemned, if Daniel had not cried out, 'will you condemn an innocent Israelite, without examination or knowledge of the truth?' Remember, it is absolutely the commandment of God, 'if a false witness rise up, you shall cause him to be brought before the judges; if he be found false, he shall have the punishment which the accused should have had.' It is very sure for my lord to accuse me is my certain danger, and it may be a means to excuse himself."

Lord-Chief-Justice.—" There must not such a gap be opened for the destruction of the King, as would be, if we should grant this. You plead hard for yourself, but the laws plead as hard for the thing. I did never hear that course to be taken in a case of treason, as to write one to another, or speak one to another during the time of their imprisonment. There hath been intelligence between you, and what underhand practices there may be, I know not. If the circumstances agree not with the evidence, we will not condemn you."

Raleigh.—" The King desires nothing but the knowledge of the truth, and would have no advantage taken by severity of the law.

If ever we had a gracious King, now we have; I hope, as he is, such are his ministers. If there be but a trial of five marks at common law, a witness must be deposed. Good my lords, let my accuser come face to face, and be deposed."

Lord-Chief-Justice.—"You have no law for it: God forbid any man should accuse himself upon his oath."

Attorney.—"The law presumes, a man will not accuse himself to accuse another. You are an odious man; for Cobham thinks his cause the worse that you are in it. Now you shall hear of some stirs to be raised in Scotland."

Part of Copley's Examination.

Watson told me, that a certain person told him, that Aremberg offered to him a thousand crowns to be in that action; and that Brook said, the stirs in Scotland came out of Raleigh's head.

Raleigh.—"Brook hath been taught his lesson."

Lord H. How.—"This examination was taken before me; did I teach him his lesson?"

Raleigh.—"I protest before God, I meant it not by any privy-councillor; but because money is scant, he will juggle on both sides."

Raleigh's Examination.

The way to invade England, was to begin with stirs in Scotland.

Raleigh.—"I think so still: I have spoken it to divers of the lords of the council, by way of discourse and opinion."

Attorney.—"Now let us come to those words of destroying the King and his cubs."

Raleigh.—"O barbarous! if they, like unnatural villains, should use those words, shall I be charged with them? I will not hear it; I was never any plotter with them against my country; I was never false to the crown of England. I have spent 4,000*l.* of my own against the Spanish faction, for the good of my country. Do you bring the words of these hellish spiders, Clark, Watson, and others against me?"

Attorney.—"Thou hast a Spanish heart, and thyself art a spider of hell; for thou confessest the King to be a most sweet and gracious prince, and yet hast conspired against him."

Watson's Examination read.

He said that George Brook told him twice, that his brother, the Lord Cobham, said to him, that you are but on the bye, but Raleigh and I are on the main.

Brook's Examination read.

Being asked what was meant by this jargon, the bye and the main; he said, That the Lord Cobham told him,

that Grey and others were in the bye, he and Raleigh were on the main. Being asked what exposition his brother made of these words? he said, he is loth to repeat it. And after saith, by the main was meant the taking away of the king and his issue; and thinks, on his conscience, it was infused into his brother's head by Raleigh.

Cobham's Examination read.

Being asked, if ever he had said, It will never be well in England, till the king and his cubs were taken away. He said, he had answered before, and that he would answer no more to that point.

Raleigh.—"I am not named in all this: there is a law of two sorts of accusers, one of his own knowledge, another by hear-say."

E. Suff.—"See the case of Arnold."

Lord-Chief-Justice.—"It is the case of Sir William Thomas, and Sir Nicholas Arnold."

Raleigh.—"If this may be, you will have any man's life in a week."

Attorney.—"Raleigh saith, that Cobham was in a passion when he said so. Would he tell his brother any thing of malice against Raleigh, whom he loved as his life?"

Raleigh.—"Brook never loved me; until his brother had accused me, he said nothing."

Lord Cecil.—"We have heard nothing that might lead us to think that Brook accused you, he was only in the surprizing treason; for by accusing you he should accuse his brother."

Raleigh.—"He doth not care much for that."

Lord Cecil.—"I must judge the best. The accusation of his brother was not voluntary; he pared every thing as much as he could to save his brother."

Cobham's Examination read.

He said he hath a book written against the title of the king, which he had of Raleigh, and that he gave it to his brother Brook; and Raleigh said it was foolishly written.

Attorney.—"After the king came within twelve miles of London, Cobham never came to see him; and intended to travel without seeing the queen and the prince. Now in this discontentment you gave him the book, and he gave it to his brother."

Raleigh.—"I never gave it to him, he took it off my table. I well remember, a little before that I received a challenge from Sir Amias Preston, and it was my intention to answer it. I resolved to leave my estate settled; I therefore laid out all my loose papers, amongst which was this book."

Lord Howard.—"Where had you this book?"

Raleigh.—"In the old treasurer's study, after his death."

Lord Cecil.—" Did you ever show or make known the book to me ?"

Raleigh.—" No, my lord."

Lord Cecil.—" Was it one of the books which was left to me or my brother ?"

Raleigh.—" I took it out of the study in my lord-treasurer's house in the Strand."

Lord Cecil.—" After my father's decease, Sir Walter Raleigh desired to search for some cosmographical descriptions of the Indies, which he thought were in his study, and were not to be had in print, which I granted, and would have trusted Sir Walter Raleigh as soon as any man ; though since, for some infirmities, the bands of my affection to him have been broken ; and yet reserving my duty to the king my master, which I can by no means dispense with, by God I love him, and have a great conflict within myself: but I must needs say, Sir Walter used me a little unkindly, to take the book away without my knowledge; nevertheless, I need make no apology in behalf of my father, considering how useful and necessary it is for privy-councillors, and those in his place, to intercept and keep such kind of writings: for whosoever should then search his study, may in all likelihood find all the notorious libels that were written against the late queen; and whosoever should rummage my study, at least my cabinet, may find several against the king, our sovereign lord, since his accession to the throne."

Raleigh.—" The book was in manuscript, and the late lord-treasurer had wrote in the beginning of it, with his own hand, these words, ' This is the book of Robert Snagg.' And I do own, as my Lord Cecil has said, that I believe they may also find in my house almost all the libels that have been written against the late queen."

Attorney.—" You were no privy-councillor, and I hope never will be."

Lord Cecil.—" He was not a sworn councillor of state, but he has been called to consultations."

Raleigh.—" I think it a very severe interpretation of the law, to bring me within compass of treason for this book, written so long ago, of which nobody had read any more than the heads of the chapters, and which was burnt by G. Brook without my privity: admitting I had delivered the same to the Lord Cobham, without allowing or approving, but discommending it, according to Cobham's first accusation, and put the case, I should come to my Lord Cecil, as I have often done, and find a stronger with him, with a packet of libels, and my lord should let me have one or two of them to peruse: this I hope is no treason."

Attorney.—" I observe there was intelligence between you and Cobham in the Tower ; for after he said, it was against the king's title, he denied it again."

Sir William Wade.—" First my Lord Cobham confessed it, and after he had subscribed it, he revoked it again: to me he always said, that the drift of it was against the king's title."

Raleigh.—"I protest before God, and all his works, I did not give him the book."

Sir Robert Wroth now spoke, or whispered something secretly.

Attorney.—"My lords, I must complain of Sir Robert Wroth; he says this evidence is not material."

Sir Robert Wroth.—"I never spake the words."

Attorney.—"Let Mr. Serjeant Phillips testify, whether he heard him say the words or no."

Lord Cecil.—"I will give my word for Sir Robert Wroth."

Sir Robert Wroth.—"I will speak as truly as you, Mr. Attorney; for, by God, I never spoke it."

Lord-Chief-Justice.—"Wherefore should this book be burnt?"

Raleigh.—"I burned it not."

Serjeant Phillips.—"You presented your friend with it, when he was discontented. If it had been before the queen's death it had been a less matter; but you gave it him presently when he came from the king, which was the time of his discontentment."

Raleigh.—"Here is a book supposed to be treasonable; I never read it, commended it, or delivered, or urged it."

Attorney.—"Why, this is cunning."

Raleigh.—"Every thing that doth make for me is cunning, and every thing that maketh against me is probable."

Attorney.—"Lord Cobham saith, that Kemish came to him with a letter torn, and wished him not to be dismayed, for one witness could not hurt him."

Raleigh.—"This poor man has been close prisoner these eighteen weeks; he was offered the rack to make him confess. I never sent any such message by him, I only writ to him, to tell him what I had done with Mr. Attorney; having of his at that time a great pearl and a diamond."

Lord H. Howard.—"No circumstance moveth me more than this. Kemish was never on the rack; the king gave charge that no rigour should be used."

Commissioners.—"We protest, before God, there was no such matter intended to our knowledge."

Raleigh.—"Was not the keeper of the rack sent for, and he threatened with it?"

Sir William Wade.—"When Mr. Solicitor and myself examined Kemish, we told him he deserved the rack, but did not threaten him with it."

Commissioners.—"It was more than we knew."

Cobham's Examination read.

He saith, Kemish brought him a letter from Raleigh, and that part which was concerning the lords of the council, was torn out; the letter stated, that he was examined and had cleared himself of all; and that the Lord H. Howard said, because he was discontent, he

was fit to be in the action. And further, that Kemish said to him from Raleigh, that he should be of good comfort, for one witness could not condemn a man for treason.

Lord Cecil.—"Cobham was asked, whether, and when he heard from you? he said, every day."

Raleigh.—"Kemish added more, I never had him speak those words."

Mr. Attorney here offered to interrupt him.

Lord Cecil.—"It is his last discourse. Give him leave, Mr. Attorney."

Raleigh.—"I am accused concerning Arabella, concerning money out of Spain. My lord-chief-justice saith, a man may be condemned with one witness; nay without any witness. Cobham is guilty of many things, *Conscientia mille Testes;* he hath accused himself, what can he hope for but mercy? My lords, vouchsafe me this grace. Let him be brought, being alive and in the house; let him avouch any of these things, I will confess the whole indictment, and renounce the king's mercy."

Lord Cecil.—"Here hath been a scandal against the Lady Arabella Stewart, a near kinswoman of the king's. Let us not scandal the innocent by confusion of speech: She is as innocent of all these things as I, or any man here; only she received a letter from my Lord Cobham to prepare her; which she laughed at, and immediately sent it to the king. So far was she from discontentment, that she laughed him to scorn. But you see how far the Count of Aremberg did consent."

The lord-admiral (Nottingham) who was standing by with the Lady Arabella, spoke to the court.

"The lady doth here protest, upon her salvation, that she never dealt in any of these things; and so she willed me to tell the court."

Lord Cecil.—"The Lord Cobham wrote to my Lady Arabella, to know if he might come to speak with her, and gave her to understand, that there were some about the king, that laboured to disgrace her; she doubted it was but a trick. But Brook saith, his brother moved him to procure Arabella to write letters to the King of Spain; but he saith he never did it."

Raleigh.—"The Lord Cobham hath accused me, you see in what manner he hath foresworn it. Were it not for his accusation, all this were nothing; let him be asked, if I knew of the letter which Lawrency brought to him from Aremberg. Let me speak for my life, it can be no hurt for him to be brought; he dares not accuse me. If you grant me not this favour, I am strangely used. Campion was not denied to have his accusers face to face."

Lord-Chief-Justice.—"Since he must needs have justice, the acquitting of his old friend may move him to speak otherwise than the truth."

Raleigh.—"If I had been the infuser of all these treasons into him. You, gentlemen of the jury, mark this; he said I have been the cause of all his miseries, and the destruction of his house, and that all evils have happened unto him by my wicked counsel. If this be true, whom hath he cause to accuse, and be revenged on, but on me? And I know him to be as revengeful as any man on earth."

Attorney.—"He is a party, and may not come; the law is against it."

Raleigh.—"It is a toy to tell me of law. I defy such law; I stand on the fact."

Lord Cecil.—"I am afraid my often speaking (who am inferior to my lords here present) will make the world think I delight to hear myself talk. My affection to you, Sir Walter Raleigh, was not extinguished, but slacked, in regard of your deserts. You know the law of the realm (to which your mind doth not contest) that my Lord Cobham cannot be brought."

Raleigh.—"He may be, my lord."

Lord Cecil.—"But dare you challenge it?"

Raleigh.—"No."

Lord Cecil.—"You say that my Lord Cobham, your main accuser, must come to accuse you. You say he hath retracted: I say, many particulars are not retracted. What the validity of all this is, is merely left to the jury. Let me ask you this, if my Lord Cobham will say you were the only instigator of him to proceed in the treasons, dare you put yourself on this?"

Raleigh.—"If he will speak it before God and the king, that ever I knew of Arabella's matter, or the money out of Spain, or the surprizing treason; I put myself on it, God's will and the king's be done with me."

Lord H. Howard.—"How if he speak things equivalent to that you have said."

Raleigh.—"Yes, in a main point."

Lord Cecil.—"If he say, you have often instigated him to deal with the Spanish king, have not the council cause to draw you hither?"

Raleigh.—"I put myself on it."

Lord Cecil.—"Then, Sir Walter Raleigh, call upon God, and prepare yourself; for I do verily believe my lords will prove this. Excepting your faults (I call them no worse) by God, I am your friend. The heat and passion in you, and the attorney's zeal in the king's service, make me speak this."

Raleigh.—"Whosoever is the workman, it is reason he should give account of his work to the work-master. But let it be proved that he acquainted me with any of his conferences with Aremberg: he would surely have given me some account."

Lord Cecil.—"That follows not. If I set you on work, and you give me no account, am I therefore innocent?"

Attorney.—"For the Lady Arabella, I say she was never acquainted with the matter. Now that Raleigh had conference in all these treasons, it is manifest; the Jury hath heard the matter. There is one Dyer, a pilot, that being in Lisbon, met with a Por-

tugueze gentleman, who asked him if the King of England was crowned yet? to whom he answered, I think not yet, but he shall be shortly. Nay, saith the Portugueze, that shall never be, for his throat will be cut by Don Raleigh and Don Cobham before he be crowned."

Dyer was called and sworn, and delivered this evidence:—

Dyer.—"I came to a merchant's house in Lisbon, to see a boy that I had there; there came a gentleman into the house, and enquiring what countryman I was? I said, an Englishman. Whereupon he asked me, if the king was crowned? and I answered, no, but that I hoped he should be so shortly. Nay, saith he, he shall never be crowned; for Don Raleigh and Don Cobham will cut his throat e'er that day come."

Raleigh.—"What infer you upon this?"

Attorney.—"That your treason hath wings."

Raleigh.—"If Cobham did practice with Aremberg, how could it not but be known in Spain? Why did they name the Duke of Buckingham with Jack Straw's treason, and the Duke of York with Jack Cade, but that it was to countenance his treason?"

"Consider, you gentlemen of the jury, there is no cause so doubtful, which the king's counsel cannot make good against the law. Consider my disability, and their ability: they prove nothing against me, only they bring the accusation of my Lord Cobham, which he hath lamented and repented as heartily as if it had been for an horrible murder: for he knew that all this sorrow, which should come to me, is by his means. Presumptions must proceed from precedent or subsequent facts. I have spent 40,000 crowns against the Spaniard. I had not purchased 40*l.* a-year. If I had died in Guiana, I had not left 300 marks a-year to my wife and son. I that have always condemned the Spanish faction, methinks it is a strange thing that now I should assist it! Remember what St. Austin says, '*Sic judicate tanquam ab alio mox judicandi; unus judex, unum tribunal.*' If you would be contented on presumptions to be delivered up to be slaughtered, to have your wives and children turned into the streets to beg their bread; if you would be contented to be so judged, judge so of me."

Serjeant Philips.—"I hope to make this so clear, as that the wit of man shall have no colour to answer it. The matter is treason in the highest degree, the end to deprive the king of his crown. The particular treasons are these: First, to raise up rebellion, and to effect that, to procure money; to raise up tumults in Scotland, by divulging a treasonable book against the king's right to the crown; the purpose, to take away the life of his majesty and his issue. My Lord Cobham confesseth Sir Walter Raleigh to be guilty of all these treasons. The question is, whether he be guilty as joining with him, or instigating of him? The course to prove this was by my Lord Cobham's accusation. If that be true, he is guilty; if not, he is clear. So whether Cobham say true, or Raleigh, that is the question. Raleigh hath no answer,

but the shadow of as much wit as the wit of man can devise. He useth his bare denial; the denial of a defendant must not move the jury. In the Star-chamber, or in the Chancery, for matter of title, if the defendant be called in question, his denial on his oath is no evidence to the court to clear him, he doth it in *propria causa;* therefore much less in matters of treason. Cobham's testification against him before then, and since, hath been largely discoursed."

Raleigh.—"If truth be constant, and constancy be in truth, why hath he forsworn that that he hath said? You have not proved any one thing against me by direct proofs, but all by circumstances."

Attorney.—"Have you done? The king must have the last."

Raleigh.—"Nay, Mr. Attorney, he which speaketh for his life, must speak last. False repetitions and mistakings must not mar my cause. You should speak *secundum allega et probata.* I appeal to God and the king in this point, whether Cobham's accusation be sufficient to condemn me?"

Attorney.—"The king's safety and your clearing cannot agree. I protest, before God, I never knew a clearer treason."

Raleigh.—"I never had intelligence with Cobham since I came to the Tower."

Attorney.—"Go too, I will lay thee upon thy back, for the most confident traitor that ever came to a bar. Why should you take 8000 crowns for a peace?"

Lord Cecil.—"Be not so impatient, good Mr. Attorney, give him leave to speak."

Attorney.—"If I may not be patiently heard, you will encourage traitors, and discourage us. I am the king's sworn servant, and must speak: If he been guilty, he is a traitor; if not, deliver him."

Here the attorney sat down in a passion, and would speak no more, until the commissioners urged and entreated him. After much ado he went on, and made a long repetition of all the evidence, for the direction of the jury; and, at the repeating some things, Sir Walter Raleigh interrupted him, and said, He did him wrong.

Attorney.—"Thou art the most vile and execrable traitor that ever lived."

Raleigh.—"You speak indiscreetly, barbarously, and uncivilly."

Attorney.—"I want words sufficient to express thy viperous treasons."

Raleigh.—"I think you want words indeed, for you have spoken one thing half-a-dozen times."

Attorney.—"Thou art an odious fellow, thy name is hateful to all the realm of England for thy pride."

Raleigh.—"It will go near to prove a measuring cast between you and me, Mr. Attorney."

Attorney.—"Well, I will now make it appear to the world, that

there never lived a viler viper upon the face of the earth than thou," and therewithal he drew a letter out of his pocket, saying further, "My lords, you shall see, this is an agent that hath written a treatise against the Spaniard, and hath ever so detested him; this is he that hath spent so much money against him in service; and yet you shall all see whether his heart be not wholly Spanish. The Lord Cobham, who of his own nature was a good and honourable gentleman, till overtaken by this wretch; now, finding his conscience heavily burthened with some courses which the subtilty of this traitor had drawn him into, my lords, he could be at no rest with himself, nor quiet in his thoughts, until he was eased of that heavy weight; out of which passion of his mind, and discharge of his duty to his prince, and his conscience to God, taking it upon his salvation that he wrote nothing but the truth, with his own hands he wrote this letter. Now, sir, you shall see whether you had intelligence with Cobham, within four days before he came to the Tower. If he be wholly Spanish, that desired a pension of £1,500 a year from Spain, that Spain, by him, might have intelligence, then Raleigh is a traitor. He hath taken an apple, and pinned a letter into it, and thrown it into my Lord Cobham's window; the contents whereof were this, 'It is doubtful whether we shall be proceeded with or no, perhaps you will not be tried.' This was to get a retraction. Oh! it was Adam's apple, whereby the devil did deceive him. Further, he wrote thus, 'Do not as my Lord of Essex did; take heed of a preacher; for by his persuasion he confessed, and made himself guilty.' I doubt not but this day God shall have as great a conquest by this traitor, and the Son of God shall be as much glorified, as when it was said, *Vicisti Galilæe;* you know my meaning. What though Cobham retracted, yet he could not rest nor sleep till he confirmed it again. If this be not enough to prove him a traitor, the king, my master, shall not live three years to an end."

Here the attorney produced the Lord Cobham's letter, and, as he read it, inserted some speeches.

"I have thought fit to set down this to my lords, wherein I protest, on my soul, to write nothing but the truth. I am now come near the period of my time; therefore, I confess the whole truth before God and his angels. Raleigh, four days before I came from the Tower, caused an apple *(Eve's Apple)* to be thrown in at my chamber-window; the effect of it was to intreat me to right the wrong that I had done him, in saying, that I should have come home by Jersey; which, under my hand to him, I have retracted. His first letter I answered not, which was thrown in the same manner, wherein he prayed me to write him a letter, which I did. He sent me word that the judges met at Mr. Attorney's house, and that there was good hope the proceedings against us should be stayed: he sent me, another time, a little tobacco. At Aremberg's coming, Raleigh was to have procured a pension of fifteen hundred pounds a year; for which he promised that no action should be against Spain, the Low-Countries, or the Indies,

but he would give information before-hand. He told me the States had audience with the king. (*Attorney.*—'Ah! is not this a Spanish heart in an English body?') He hath been the original cause of my ruin; for I had no dealing with Aremberg, but by his instigation. He hath also been the cause of my discontentment; he advised me not to be overtaken with preachers, as Essex was; and that the king would better allow of a constant denial, than to accuse any."

Attorney.—"Oh! damnable Atheist! he hath learned some text of Scripture to serve his own purpose, but falsely alleged. He councils him not to be councilled by preachers, as Essex was: He died the child of God, God honoured him at his death; thou wast by when he died. *Et Lupus et Turpes instant morientibus ursæ.* He died indeed for his offence. The king himself spake these words; He that shall say Essex died not for treason is punishable."

Raleigh.—"You have heard a strange tale of a strange man. Now, he thinks, he hath matter enough to destroy me; but the king, and all of you, shall witness by our deaths, which of us was the ruin of the other. I bade a poor fellow throw in the letter at his window, written to this purpose, 'You know you have undone me, now write three lines to justify me.' In this I will die, that he hath done me wrong: Why did not he acquaint me with his treasons, if I acquainted him with my dispositions?"

Lord-Chief-Justice.—"But what say you now to the rest of the letter, and the pension of £1,500 per annum?"

Raleigh.—"I say that Cobham is a base, dishonourable poor soul."

Attorney.—"Is he base? I return it into thy throat, on his behalf: but for thee, he had been a good subject."

Lord-Chief-Justice.—I perceive you are not so clear a man as you have protested all this while; for you should have discovered these matters to the king."

Here Raleigh pulled a letter out of his pocket, which the Lord Cobham had written to him, and desired Lord Cecil to read it, because he only knew his hand; the effect of it was as followeth:

Cobham's Letter of Justification to Raleigh.

"Seeing myself so near my end, for the discharge of my own conscience, and freeing myself from your blood, which else will cry vengeance against me; I protest, upon my salvation, I never practised with Spain by your procurement: God so comfort me in this my affliction, as you are a true subject, for any thing that I know. I will say as Daniel, "*Purus sum a sanguine hujus.*" So God have mercy on my soul, as I know no treason by you."

Raleigh.—"Now I wonder how many souls this man hath! he damns one in this letter, and another in that."

Here much tumult ensued. Mr. Attorney alleged that

his last letter was politically and cunningly urged from the Lord Cobham, and that the first was simply the truth; and that lest it should seem doubtful that the first letter was drawn from Lord Cobham by promise of mercy, or hope of favour, the Lord-Chief-Justice wished that the jury might herein be satisfied.

Whereupon the Earl of Devonshire declared that the same was merely voluntary, and not extracted from the Lord Cobham upon any hopes or promise of pardon.

This was the last evidence: whereupon a marshal was sworn to keep the jury private. The jury departed, and stayed not a quarter of an hour, but returned, and gave their verdict, *Guilty*.

Serjeant Heale demanded judgment against the prisoner.

Clerk of the Crown.—"Sir Walter Raleigh, thou hast been indicted, arraigned, and hast pleaded not guilty, for all these several treasons, and for trial thereof hast put thyself upon thy country; which country are these who have found thee guilty. What canst thou say for thyself, why judgment, and execution of death, should not pass against thee?"

Raleigh.—"My lords, the jury have found me guilty. They must do as they are directed. I can say nothing why judgment should not proceed. You see whereof Cobham hath accused me. You remember his protestations that I was never guilty. I desire the king should know of the wrongs done unto me since I came hither."

Lord-Chief-Justice.—"You have had no wrong, Sir Walter."

Raleigh.—"Yes, of Mr. Attorney. I desire my lords to remember three things to the king. 1st. I was accused of being a practiser with Spain. I never knew that my Lord Cobham meant to go thither; I will ask no mercy at the king's hands, if he will affirm it. 2d. I never knew of the practice with Arabella. 3d. I never knew of my Lord Cobham's practice with Aremberg, nor of the surprising treason.

Lord-Chief-Justice.—In my conscience I am persuaded that Cobham hath accused you truly. You cannot deny but that you were dealt with to have a pension to be a spy for Spain; therefore, you are not so true to the king as you have protested yourself to be."

Raleigh.—"I submit myself to the king's mercy; I know his mercy is greater than my offence. I recommend my wife, and son of tender years, unbrought up, to his compassion."

Lord-Chief-Justice.—"I thought I should never have seen this day, to have stood in this place to give sentence of death against you; because I thought it impossible, that one of so great parts should have fallen so grievously. God hath bestowed on you many benefits. You had been a man fit and able to have served the

king in a good place. You had brought yourself into a good state of living, if you had entered into a good consideration of your estate, and not suffered your own wit to have intrapped yourself, you might have lived in good comfort. It is best for man not to seek to climb too high, lest he fall; nor yet to creep too low, lest he be trodden on. It was the maxim of the wisest and greatest counsellor of our time in England, *In medio spatio mediocria firma locantur.* You might have lived well with 3,000*l.* a-year, for so I have heard your revenues to be. I know of nothing that could move you to be discontented; but if you had been down, you know Fortune's wheel, when it is turned about, riseth again. I never heard that the king took away any thing from you, but the captainship of the guard, which he did with very good reason, to have one of his own knowledge, whom he might trust, in that place. You have been taken for a wise man, and have showed wit enough this day. Again, for monopolies for wine, &c. If the king had said, it is a matter that offends my people, should I burthen them for your private good? I think you could not well take it hardly, that his subjects were eased, though by your private hindrance. Two vices have lodged chiefly in you; one is an eager ambition, the other corrupt covetousness. Ambition, in desiring to be advanced to equal grace and favour, as you have been before-time; that grace you had then, you got not in a day or a year. For your covetousness, I am sorry to hear that a gentleman of your wealth should become a base spy for the enemy, which is the vilest of all other; wherein, on my conscience, Cobham hath said true: by it you would have increased your living 1,500*l.* a year. This covetousness is like a canker, that eats the iron place where it lives. Your case being thus, let it not grieve you, if I speak a little out of zeal and love to your good. You have been taxed by the world with the defence of the most heathenish and blasphemous opinions, which I list not to repeat, because Christian ears cannot endure to hear them, nor the authors and maintainers of them be suffered to live in any Christian common-wealth. You know what men said of Harpool. You will do well, before you go out of the world, to give satisfaction therein, and not to die with these imputations on you. Let not any devil persuade you to think there is no eternity in Heaven: for if you think thus, you shall find eternity in hell-fire. In the first accusation of my Lord Cobham, I observed his manner of speaking; I protest before the living God, I am persuaded he spoke nothing but the truth. You wrote, that he should not, in any case, confess any thing to a preacher, telling him an example of my Lord of Essex, that noble earl that is gone; who if he had not been carried away with others, had lived in honour to this day among us. He confessed his offences, and obtained mercy of the Lord, for I am verily persuaded in my heart, he died a worthy servant of God. Your conceit of not confessing any thing is very inhumane and wicked. In this world is the time of confessing, that we may be absolved at the day of judgment. You have shewn a fearful sign of denying God, in advising a man not to confess the truth. It now comes in my mind, why you may not have your accuser come face to

face: for such an one is easily brought to retract, when he seeth there is no hope of his own life. It is dangerous that any traitors should have any access to, or conference with, one another; when they see themselves must die, they will think it best to have their fellow live, that he may commit the like treason again, and so in some sort seek revenge.

"Now it resteth to pronounce the judgment, which I wish you had not been this day to have received of me: for if the fear of God in you had been answerable to your other great parts, you might have lived to have been a singular good subject. I never saw the like trial, and hope I shall never see the like again."

THE JUDGMENT.

"But, since you have been found guilty of these horrible treasons, the judgment of this court is, that you shall be had from hence to the place whence you came, there to remain until the day of execution; and from thence you shall be drawn, upon a hurdle, through the open streets, to the place of execution, there shall be hanged and cut down alive, and your body shall be opened, your heart and bowels plucked out, and your privy members cut off, and thrown into the fire before your eyes; then, your head shall be struck off from your body, and your body shall be divided into four quarters, to be disposed of at the king's pleasure. And God have mercy upon your soul."

Sir Walter Raleigh besought the Earl of Devonshire, and the lords, to be suitors in his behalf to the king; that in regard to places of estimation he did bear in his majesty's time, the rigour of his judgment might be qualified, and his death honourable and not ignominious.

Wherein, after they had promised him to do their utmost endeavours, the court rose, and the prisoner was carried up again to the castle.

It was observed, that before the lords, (principally to Lord Cecil) at Winchester, (for there he was tried, the sickness then reigning in London) he was humble, but not abject; dutiful, but not dejected; for, in some cases, he would humbly thank them for gracious speeches; in others acknowledge that their worships said true, as relating to some circumstances. And in such points wherein he would not yield unto them, he would crave pardon, and with reverence urge them, and answer them as in points of law, or essential matters of fact. To the jury, he was affable, but not fawning; hoping, but not trusting in them; carefully persuading them with reason, not intemperately

importuning them; and upon the whole rather shewing love of life, than fear of death. What bore hard against Sir Walter, was his discovery of Lawrency and Cobham's frequent conferences; which so incensed Cobham, that he positively accused him; though the single evidence of one already convicted of what Sir Walter was but impeached, could only make a circumstance, and not convict him. The judges and the king's counsel did what they could to clamour him out of his life; and, since they wanted proof, they endeavoured to tire him out. If we may believe Osborn, several of the jurymen, after he was cast, were so far touched in conscience as to ask of him pardon on their knees.

A further confirmation of his innocence may be a passage of his own in a letter to Secretary Winwood, wherein he tells him, "That the worthy Prince of Wales was extremely curious in searching out the nature of his offences. The queen's majesty had informed herself from the beginning. The King of Denmark, at both times of his being here, was thoroughly satisfied of his innocence; they would otherwise never have moved his majesty on his behalf. The wife, the brother, and the son of a king do not use to sue for suspected men." Nay, further yet, the Scots themselves declared in favour of him, if we may believe him in another letter of his to Sir Robert Car, afterwards Earl of Somerset, wherein are these words: "I have ever been bound to your nation, as well for many other graces, as for the true report of my trial to the king's majesty, against whom, had I been malignant, the hearing of my cause could not have changed enemies into friends, malice into compassion, and the minds of the greatest number, then present, into commiseration of mine estate. It is not the nature of foul treason to beget such fair passions; neither could it agree with the duty and love of faithful subjects, (especially of your nation) to bewail his overthrow that had conspired against their most natural and liberal Lord."

Two days after Raleigh's trial, were sentenced Brook, who pretended his intention was only to try faithful subjects, and said he had a commission for so doing, but produced it not; Markham, who confessed

the indictment, pleaded discontent, and desired mercy; Watson, who confessed that he drew them all in, holding the king to be no sovereign till he was crowned, instancing in Saul and Jeroboam; and Clark, who said the like. Parham and Brooksby were acquitted by the jury. Watson, Clark, and Brook were executed; Markham, Cobham, and Grey, brought severally on the scaffold to die, and at the instant they were on the block, had their particular executions remitted, by a letter to the sheriff, under the king's own hand, without the knowledge of any, save Mr. Gibbs, gentleman of the bedchamber, that brought it. However, an evil fate attended these men; Grey died in the Tower, the last of his line; the rest were discharged, but died miserably poor: Markham and some others abroad; but Cobham, (as Osborn tells us) in a room, ascended by a ladder, at a poor woman's house in the Minories, (formerly his laundress) died rather of hunger.

Sir Walter was left to his majesty's mercy, who thought him too great a malcontent to have his freedom, and probably too innocent to lose his life. He was, therefore, confined in the Tower, but permitted to enjoy *libera custodia;* where he employed his imprisonment in obtaining learning and science of various kinds. Since his majesty had buried him, and, as it were, banished him from this world, he thought it no treason to disturb the ashes of former times, and bring to view the actions of deceased heroes. And, certainly, none was so fit to comment on their achievements, and so able to raise excellent maxims from them, as he who had been brought up in so wise a court as that of Queen Elizabeth, and read so many wise men. After some time past there, he completed the History of the World; a book which, for the exactness of its chronology, singularity of its contexture, and learning of all sorts, seems to be the work of an age. That a man who had been the greatest part of his life taken up in action, should write so judiciously, so critically of times and actions, is as great a wonder as the book itself. It still remains a dispute, whether the age he lived in was more obliged to his pen or his sword,

the one being busy in conquering the new, the other in so eloquently describing the old world. An history wherein the only fault, or defect rather, is, that it wanted the one half; which was occasioned, as our story tells us, thus: some few days before he suffered, he sent for Mr. Walter Burr, who formerly printed his first volume of the History of the World, whom taking by the hand, after some other discourse, he asked how it had sold? Mr. Burr returned this answer, "It sold so slowly that it had undone him." At these words Sir Walter, stepping to his desk, took the other unprinted part of his history, which he had brought down to the times he lived in, and clapping his hand upon his breast, said with a sigh, "Ah! my friend, hath the first part undone thee? the second part shall undo no more; this ungrateful world is unworthy of it!" and immediately going to the fire-side, threw it in, and set his foot upon it till it was consumed: As great a loss to learning as Christendom could have sustained; the greater, because it could be repaired by no hand but his.

Fourteen years Sir Walter spent in the Tower, and being weary of a state wherein he could be only serviceable by his pen, but not in a capacity of serving and enriching his country any other way, (of whom Prince Henry would say, that no king but his father would keep such a bird in a cage;) at length commenced an enterprise of a gold mine in Guiana, in the southern parts of America. The proposition of this was presented and recommended to his majesty by Sir Ralph Winwood, then secretary-of-state, as a matter not in the air, or speculative, but real, and of certainty; for that Sir Walter had seen some ore of the mine, and tried the richness of it, having gotten a pound from thence by the hands of Captain Kemish, his ancient servant.

Sir Ralph Winwood's recommendation of the design, and the earnest solicitations of the queen, the prince, and the French lieger for his enlargement, together with the asseverations of Sir Walter of the truth of the mine, worked upon his majesty, who thought himself in honour obliged, nay, in a manner engaged, (as the

declaration which he published after the death of Sir Walter tells us) not to deny unto his people the adventure and hope of such great riches to be sought and achieved at the charge of volunteers; especially since it stood so well with his majesty's politic courses in those times of peace, to nourish and encourage noble and generous enterprises for plantations, discoveries, and opening a new trade.

Count Gondamor, (an active and subtile instrument to serve his master's ends) took alarm at this, and represented to his majesty the enterprize of Sir Walter to be hostile, and predatory, intending a breach of the peace between the two crowns. But, notwithstanding, the power at last was granted to Sir Walter to procure ships and men for that service. However, the king commanded him, upon pain of his allegiance, to give him, under his hand, (promising on the word of a king to keep it secret) the number of his men, the burthen and strength of his ships, together with the country and river he was to enter; which, being done accordingly by Sir Walter, that very original paper was found in the Spanish governor's closet, at St. Thomas! so active were the Spanish ministers, that intelligence was sent to Spain, and thence to the Indies, before the English fleet got out of the Thames.

But, as we have just cause to admire the more than usual activity of the Spanish agents, so may we wonder no less at the baseness of his majesty's ministers; who, notwithstanding he had passed his royal word to the contrary, yet did they help Count Gondamor to that very paper; so much both the king and court were at Gondamor's service.

His commission for this Guiana expedition we shall pass over; with it, and the company of several brave captains, and other knights and gentlemen of great blood and worth, he set out in quest of the mine, with a complete fleet of twelve sail.

On the 17th of November he arrived at Guiana, having been much retarded by contrary winds, and having lost several of his volunteers in the voyage, by a violent calenture. What he did there, and at St. Thomas, is too long to rehearse. In his apology, he says, the

Spaniards began the hostilities, which occasioned his falling upon the place. While that action was performing, Sir Walter staid at Point de Gallo during nine weeks, where the unwelcome news was brought him of the loss of his son, and the defeat they met with in their design upon the mine. However, this ill news could not alter the resolutions of Sir Walter, of returning to England, though he knew he should meet with several enemies there, who had, by their calumnies, rendered the voyage nothing but a design; and, though several of his men were for landing at Newfoundland; for if we may believe himself, at the hour of his death, the two noble earls, Thomas of Arundel, and William of Pembroke, engaged him to return; and Sir Walter was resolved, though inevitable danger threatened him, to keep his promise.

No sooner had they arrived upon the coasts of Ireland, but the taking and sacking of St. Thomas, firing of the town, and putting the Spaniards there to the sword (though in their own defence), was noised abroad in all parts, and was, by special intelligence, communicated to Count de Gondamor; who, thereupon, desiring audience of his majesty, said he had but one word to say; his majesty, much wondering what might be delivered in one word, when he came before him, he only bawled out, 'pirates! pirates! pirates!' —A very curious speech for an ambassador. Whereupon his majesty published his royal proclamation, for the discovery of the truth of Sir Walter Raleigh's proceedings, and the advancement of justice. But, after all this noise, Sir Walter was not questioned for his Guiana action; for it is believed, not without very good ground, that neither the transgression of his commission, nor any thing acted beyond the line, where the articles of peace between the two courts did not extend, could have, in a legal course of trial, shortened his days.

When Sir Walter was arrived at Plymouth, Sir Lewis Stukely, vice-admiral of the county of Devon, seized him, being commissioned by his majesty to bring him to London; which gave little terror to a person who could expect nothing less; and he was now forced

to make use of all the arts imaginable to appease his majesty, and avert his anger. To this intent, Manowry, a French quack, at Salisbury, gave him several vomits, and an artificial composition, which made him look ghastly and dreadful, full of pimples and blisters, so as even to deceive the physicians themselves, who could not tell what to make of his urine (though often inspected,) being adulterated with a drug in the glass, that turned it, even in their hands, to an earthy humour of a blackish colour, and of a very offensive savour.

While he lay under this disguise, he penned his declaration and apology, which have sufficiently proved his honourable designs in that voyage, and answered the little calumnies of his enemies. When he was brought to London, he was allowed the confinement of his own house; but, finding the court wholly guided by Gondamor, he could hope for little mercy; therefore, he wisely contrived the design of an escape into France, which Sir Lewis Stukeley betrayed. But the fate of traitors pursued him, and brought him to a contemptible end; he died a poor distracted beggar in the isle of Lindey, having, for a bag of money, falsified his faith, confirmed by the tie of the sacrament, (if we may give credit to Mr. Howel, who hath given us this story); for before the year came about, he was found clipping the very same coin in the king's own house, at Whitehall, which he had received for a reward of his perfidiousness; for which, being condemned to be hanged, he was forced to sell himself to his shirt, to purchase his pardon of two knights.

King James was willing to sacrifice the life of Sir Walter to the advancement of peace with Spain, but not upon such grounds as the ambassador had designed; for he desired a judgment upon the pretended breach of peace, that by this occasion he might slily gain from the English an acknowledgment of his master's right in those places, and thereafter both stop their mouths, and quench their heat and valour. Hence, upon his old condemnation (for having had experience upon a former trial, they cared not to run the hazard of a second), he was sentenced: the old judgment being only averred

against him; and from Westminster-hall he was carried to the Gate-house, and from thence, the next morning, to the Parliament-yard, where he had the favour of the axe granted him. All persons have wondered how that old sentence, that had lain dormant sixteen years and upwards against Sir Walter, could have been made use of to take off his head afterwards. Considering the then Lord-Chancellor Verulam told him positively, (as Sir Walter was acquainting him with that proffer of Sir William St. Geon, for a pecuniary pardon, which might have been obtained for a less sum than his Guiana preparations amounted to), in these words: "Sir, the knee-timber of your voyage is money; spare your purse in this particular; for, upon my life, you have a sufficient pardon for all that is passed already; the king having, under his broad seal, made you admiral of your fleet, and given you power of martial-law over the officers and soldiers." It was the opinion of most lawyers, that he who, by his majesty's patent had power of life and death over the king's liege people, should be esteemed or judged *rectus in curiâ*, and free from all old convictions. But Sir Walter made the best defence for his Guiana actions in his letter to his majesty, which we have here inserted.

"May it please your most excellent Majesty,

If, in my journey outward-bound, I had my men murdered at the island, and yet refused to take revenge; if I did discharge some Spanish barks taken, without spoil; if I did forbear all parts of the Spanish Indies, wherein I might have taken twenty of their towns, on the sea-coasts, and did only follow the enterprise I undertook for Guiana, where, without any directions from me, a Spanish village was burnt, which was new set up, within three miles of the mine; by your majesty's favour, I find no reason why the Spanish ambassador should complain of me. If it were lawful for the Spaniards to murder twenty-six Englishmen, binding them back to back, and then cutting their throats, when they had traded with them a whole month, and came to them on the land without so much as one sword; and that it may not be lawful for your majesty's subjects, being charged first by them, to repel force by force, we may justly say, O miserable English! If Parker and Metham took Campeachy, and other places in the Honduras, seated in the heart of the Spanish Indies, burnt towns, killed the Spaniards, and had nothing said to them at their return, and myself forbore to look into the Indies, because I would not offend; I may justly say, O miserable Sir Walter Raleigh! If I

spent my poor estate, lost my son, suffered by sickness, and otherwise a world of miseries: if I have resisted, with the manifest hazard of my life, the robberies and spoils which my company would have made; if, when I was poor, I might have made myself rich; if, when I had got my liberty, which all men, and nature itself, doth so much prize, I voluntarily lost it; if, when I was sure of my life, I rendered it again; if I might elsewhere have sold my ship and goods, and put 5 or 6,000*l.* in my pocket, and yet have brought her into England; I beseech your majesty to believe, that all this I have done, because it should not be said to your majesty, that your majesty had given liberty and trust to a man whose end was but the recovery of his liberty, and who had betrayed your majesty's trust. My mutineers told me, that if I returned to England, I should be undone; but I believed in your majesty's goodness more than in all their arguments. Sure I am, that I am the first that, being free and able to enrich myself, have embraced poverty and peril; and as sure I am, that my example shall make me the last. But your majesty's wisdom and goodness I have ever made my judges, who have ever been and shall ever be,

"Your majesty's most humble vassal,

"WALTER RALEIGH."

This noble and eloquent apology could not, however, satisfy Gondamor's rage, who was resolved to sacrifice the only favourite left of Queen Elizabeth, to the Spanish interest; and who, as Osborn remarks, was the only person of Essex's enemies that died lamented; and the only man of note left alive, that had helped to beat the Spaniards in the year 1588.

Upon Thursday, the 29th of October, 1618, Sir Walter Raleigh was conveyed, by the sheriffs of London, to a scaffold in Old Palace-yard, at Westminster, where he was executed about nine o'clock in the morning of the same day: his confession and several speeches that he there delivered, we shall give in the words of an old author.

His first appearance upon the scaffold was with a smiling countenance, saluting the lords, knights, and gentlemen, with others of his acquaintance there present, when, after a proclamation of silence by an officer appointed, he began to speak in this manner.

"I desire to have some allowance made me, because this is the third day of my fever; and if I shew any weakness, I beseech you to attribute it to my malady, for this is the hour I look for it."

Then pausing awhile, and directing himself towards

a window, where Lord Arundel and Lord Doncaster, with some other lords and knights sate, with a loud voice he said as follows:

"I thank God of his infinite goodness, that he hath sent me to die in the sight of so honourable an assembly, and not in darkness." But by reason the place where they sat was some distance from the scaffold, that they could not easily hear him, he said, "I will strain myself, for I would willingly have your honours hear me."

Lord Arundel answered, "We will come upon the scaffold;" where, after he had saluted every one of them severally, he began as follows:

"As I said, I thank my God heartily, that he hath brought me into the light to die, and not suffered me to die in the dark prison of the Tower, where I have suffered a great deal of adversity, and a long sickness; and I thank God that my fever hath not taken me at this time, as I prayed God it might not.

"There are two main points of suspicion that his majesty hath conceived against me, wherein his majesty cannot be satisfied, which I desire to clear and resolve you in:

"One is, that his majesty hath been informed that I have had some plot with France, and his majesty had some reason to induce him thereunto. One reason that his majesty had to conjecture so, was, that when I came back from Guiana, being come to Plymouth, I endeavoured to go to Rochelle, which was because I would fain have made my peace before I came to England. Another reason was, that upon my flight I did intend to fly to France, for saving of my life, having had some terror from above. A third reason was, the French agent's coming to me; and it was reported I had commission from the King of France.

"But this I say, for a man to call God to witness to a falsehood at any time is a grievous sin, and what shall we hope for at the Tribunal Day of Judgment? But to call God to witness to a falsehood, at the time of death, is far more grievous and impious, and there is no hope for such an one. And what should I expect that am now going to render an account of my faith? I do, therefore, call the Lord to witness, as I hope to be saved, and as I hope to be seen in his kingdom, which will be within this quarter of an hour, I never had any commission from the King of France, nor any treaty with the French agent, nor with any from the French king; neither knew I that there was an agent, or what he was, till I met him in my gallery at my lodging unlooked for. If I speak not true, O Lord, let me never come into thy glory.

"The second suspicion was, that his majesty hath been informed, that I should speak dishonourably and disloyally of him. But my accuser was a base Frenchman, a kind of chemical fellow, one whom I knew to be perfidious; for being drawn into this action at Winchester, in which my hand was touched, and he being sworn to secrecy over night, revealed it in the morning.

" But in this I speak now, what have I to do with kings? I have nothing to do with them, neither do I fear them: I have now to do with God; therefore, as I hope to be saved at the last day, I never spoke dishonourably, disloyally, nor dishonestly of the king, neither to this Frenchman, nor to any other; neither had I ever, in all my life, a thought of ill against his majesty: therefore I cannot but think it strange, that this Frenchman, being so base, so mean a fellow, should be so far credited; and so much for this point. I have dealt truly, and I hope I shall be believed. I confess, I did attempt to escape, and I did dissemble, and made myself sick at Salisbury, but I hope it was no sin. The prophet David did make himself a fool, and did suffer spittle to fall upon his beard, to escape the hands of his enemies, and it was not imputed to him as sin; and I did it to prolong time till his majesty came, hoping for some commiseration from him.

" I forgive this Frenchman, and Sir Lewis Stukely, and have received the sacrament this morning of Mr. Dean; and I do also forgive all the world. But thus much I am bound in charity to speak of this man, that all men may take good heed of him: Sir Lewis Stukely, my kinsman and keeper, hath affirmed, that I should tell him, that I did tell Lord Carew and Lord Doncaster of my pretended escape. It was not likely that I should acquaint two privy-councillors of my purpose; neither would I tell him, for he left me six, seven, eight, nine, or ten days, to go where I listed, while he rode about the country.

" Again, he accused me, that I should tell him, that Lord Carew and Lord Doncaster would meet me in France, which was never my speech or thought.

" Thirdly, he accused me, that I shewed him a letter, and that I should give him 10,000*l.* for my escape; but cast my soul into everlasting fire, if ever I made him an offer of 10,000*l.* or 1,000*l.* I merely shewed him a letter, that if he would go with me, his debts should be paid when he was gone; neither had I 1,000*l.* for if I had had so much, I could have done better with it, and made my peace otherwise.

" Fourthly, when I came to Sir Edward Pelham, who had been sometimes a follower of mine, who gave me good entertainment; he gave out that I had received some dram of poison in Sir Edward Pelham's house; when I answered, that I feared no such thing; for I was well assured of them in the house. Now, God forgive him, for I do, and I desire God to forgive him. I will not only say, God is the God of revenge; but I desire God to forgive him, as I hope to be forgiven.

Then he looked over his note of remembrance.

" Well, (saith he,) thus far I have gone; now a little more, and I will have done by and bye.

" It was told the king I was brought per force into England, and that I did not intend to come again; whereas Captain Charles Parker, Mr. Tresham, Mr. Leak, and divers others that knew how I was dealt withal, shall witness for me; for the common

soldie s (which were 150) mutinied, and sent for me to come into the gun-room to them, (for at that time they would not come to me,) and there was I forced to take an oath, that I would not come into England till they would have me, else they would cast me into the sea, and drown me; afterwards they entered my cabin, and set themselves against me. After I had taken this oath, with wine and other things, I drew the chiefest of them to desist, and at length persuaded them to go into Ireland; then they would have gone into the north parts of Ireland, but I told them they were *red-shanks:* yet at last, with much ado, I persuaded them to go into the south parts; promising to get their pardons; but was forced to give them 125*l.* at Kinsale, to bring them home, otherwise I had never got from them.

"There was a report that I meant not to go to Guiana at all; and that I knew not of any mine, nor intended any such matter, but only to get my liberty, which I had not the wit to keep. But it was my full intent to go for gold, for the benefit of his majesty, and those that went with me, with the rest of my countrymen; but he that knew the head of the mine would not discover it when he saw my son was slain, but made himself away."

Then he turned to Lord Arundel, and said,

"Being in the gallery in my ship, at my departure, your honour took me by the hand, and said you would request me one thing, which was, 'that whether I made a good voyage or bad, yet I should return again into England; when I made you a promise, and gave you my faith that I would.'—'And so you did,' answered my lord; 'it is true, they were the last words I spoke unto you.'

"Another opinion was, that I carried to sea with me 1,600 pieces, and that was all the voyage I intended, only to get money into my hands, and that I had weighed my voyage before; whereas I protest I had but 100*l.* in all the world, whereof I gave 25*l.* to my wife: the reason of this speech was this: there was entered 20,000*l.* and yet but 4,000*l.* in the surveyor's book; now I gave my bill for the other 16,000*l.* for divers adventures; but I protest I had not one penny more than 100*l.*, as I hope to be saved.

"Another slander was raised, that I would have gone away from them and left them at Guiana, but there were a great many worthy men that accompanied me always, as my serjeant-major George Raleigh, and divers others (which he then named), that knew my intent was nothing so. And these be the material points I thought good to speak of; I am now at this instant to render my account to God; and I protest, as I shall appear before him, this that I have spoken is true.

"I will speak but a word or two more, because I will not trouble Mr. Sheriff too long.

"There was a report spread, that I should rejoice at the death of Lord Essex, and that I should take tobacco in his presence; when, as I protest, I shed tears at his death, though I was one of the contrary faction; and, at the time of his death, I was all the

while in the armory at the further end, where I could but see him. I was sorry that I was not with him, for I heard he had a desire to see me, and be reconciled to me. So that I protest I lamented his death, and good cause had I, for after he was gone I was little beloved.

"And now I intreat you all to join with me in prayer, that the great God of Heaven, whom I have grievously offended, being a man full of all vanity, and have lived a sinful life, in all sinful callings, having been a soldier, a captain, a sea-captain, and a courtier, which are all places of wickedness and vice; that God (I say) would forgive me, and cast away my sins from me, and that he would receive me into everlasting life. So I take my leave of you all, making my peace with God."

Then proclamation being made that all men should depart the scaffold, he prepared himself for death, giving away his hat and wrought night-cap, and some money to such as he knew that stood near him; taking his leave of the lords, knights, and other gentlemen, and among the rest, taking his leave of the Lord of Arundel, he thanked him for his company, and intreated him to desire the king, that no scandalous writing to defame him might be published after his death, saying unto him, "I have a long journey to go, and therefore will take my leave."

Then putting off his gown and doublet, he called to the headsman to shew him the axe, which, being not presently shewed him, he said, "I pray thee let me see it, dost thou think that I am afraid of it?" And having it in his hands, he felt along upon the edge of it, and, smiling, spake to the sheriff, saying, "This is a sharp medicine, but it is a physician for all diseases." Then going to and fro upon the scaffold, on every side, he prayed the company to pray to God to assist him and strengthen him.

Being asked which way he would lay himself, on which side the block, as he stretched himself along, and laid his head on the block, he said, "So the heart be right, it is no matter which way the head lieth." And then praying, after he had forgiven the headsman, having given him a sign when he should do his office, at two blows he lost both head and life, his body never shrinking nor moving. His head was shewed on each side of the scaffold, and then put into a red leather bag,

and his wrought velvet gown thrown over it, which was afterwards conveyed away in his lady's mourning-coach.

The large effusion of blood which proceeded from his veins, amazed the spectators, who conjectured he would have survived many years, though now near four-score years old.

He behaved himself at his death with so high and so religious a resolution, as if a Christian had acted a Roman, or rather a Roman a Christian: And by the magnanimity which was then conspicuous in him, he abundantly baffled the calumnies of those who had accused him of atheism.

Thus died that knight, who was Spain's scourge and terror, and Gondamor's triumph; whom the whole nation pitied, and several princes interceded for; Queen Elizabeth's favourite, and her successor's sacrifice, a person of so much worth, and such great interest, that King James would not execute him without an apology. One of such incomparable policy, that he was too hard for Essex, was the envy of Leicester, and Cecil's rival; who grew jealous of his excellent parts, and was afraid of his being supplanted by him. His head was wished on the secretary's shoulders, and his life valued by some at a higher rate than the Infanta of Spain, though a lady incomparably excellent both in mind and body.

Authors are perplexed under what topic to place him, whether of statesman, seaman, soldier, chemist, or chronologer; for in all these he excelled. He could make every thing he read or heard his own, and his own he could easily improve to the greatest advantage. He seemed to be born to that only which he attempted, so dexterous was he in all his undertakings.

JAMES, EARL OF BOTHWELL,

ACQUITTED FOR THE MURDER OF HENRY, LORD DARNLEY, HUSBAND TO MARY, QUEEN OF SCOTS, AT THE SENATE-HOUSE OF EDINBURGH, APRIL 12, 1567.*

At the justice-court of our Sovereign Lady the Queen, held and begun in the senate-house of Edinburgh, the 12th day of April, 1567, by the noble and potent Lord Archibald, Earl of Argyle, Lord Campbell, and Lord Justice-General for our Sovereign Lady, in all the parts of her realm, where there is a convention and lawful assembly of judges.

The Indictment.

"You, James, Earl of Bothwell, Lord of Haillis, Creygchton, &c. are indicted on account of the cruel and horrid murder of the most excellent, most high, and most mighty prince the king, the late most dear spouse of the queen's majesty, our sovereign lady, committed in the dead of the night, at his house near the church of the fields in this city, as he was taking his rest, by treasonably setting fire to a great quantity of gun-powder in the said house, by the violence whereof the whole house was blown up into the air, and the king himself by you killed, traitorously and cruelly, wilfully, and by premeditated felony. And this you did the 9th day of February last past, in the dead of the night as aforesaid, as is notorious, and you cannot deny."

By virtue of certain letters, the judge ordered the said James, Earl of Bothwell, to be called as defendant of the one part, and Matthew Earl of Lennox, and all other subjects of our said sovereign lady, pretending to prosecute this matter, as plaintiffs on the other part, that they might appear in court, and exhibit their complaints and defences, according to the laws of the realm.

Immediately appeared in judgment the said James, Earl of Bothwell, and entered the court in person; after which he chose Master David Borthwick, of Lutchthill, and Mr. Edmund Hay, for his advocates,

* This and the two following trials have, by accident, been printed out of the chronological order.

who appearing also in judgment, were admitted by the judge accordingly.

Mr. Henry Kinloch also appeared, calling himself proctor for his master, Andrew Lord Errol, constable of Scotland, and alleged, that the constable of the realm had, at all times, been owned to be the only judge competent of men of that quality, when accused of having committed murder and bloodshed near the prince's chamber, and four miles round; and therefore his master, being at present constable of this realm, ought to be judge to James, Earl of Bothwell, and others, his accomplices, summoned to appear this day, and to be charged with the above-mentioned act of the cruel murder of Henry King of Scotland. In that case, Archibald, Earl of Argyle, as justice-general of this realm, proceeded to take cognizance of this fact, the said Mr. Henry, proctor above-mentioned, protesting solemnly, that this trial should not be prejudicial to the said constable, his office, right, title, profit, jurisdiction, and possession, in any manner whatever: but that he might exercise his said jurisdiction, in all such causes for time to come, according to the seisin of his office, and take cognizance of them, as his predecessors had been used to do in the like case. This he would make appear, by the possession which his predecessors had of it at all times and otherwise; and he required that this protestation should be registered in the acts, and affirmed that the jurisdiction of the present judge ought not to be allowed in this case.

The judge, without regarding this protestation, by advice of his assessor, decreed, that he would take cognizance of the fact notwithstanding, since nothing had been produced by the said Mr. Henry, to verify the contents of what he had alleged and protested: of all which the Earl of Bothwell demanded an act and instrument.

The said Matthew, Earl of Lennox, and other subjects of our sovereign lady, having, and pretending to have, interest in this prosecution, being called several times to appear, and to join with the said advocates in prosecuting the said action, there appeared Robert

Cunningham, who called himself servant to the said Matthew, Earl of Lennox, and exhibited a writing, signed with his own hand, in full court, as being authorized thereunto, and made a protestation and requisition of the whole, agreeable to the said writing; of which the tenor follows:—

Protestation of the Earl of Lennox.

"My lords, I am come hither, being sent by my master, my Lord of Lennox, to declare the cause why he is this day absent, having full power from him for that effect, as the truth is. The cause then of his absence is the shortness of the time allowed him, and that he is hindered to have his friends and servants, who ought to accompany him for his honour, and the safety of his person, considering the strength of the opposite party, and that he has no assistance from any of his friends, but must stand by himself: therefore his lordship has commanded me to require another competent day, according to the importance of this cause, that he may be here present; but if you will proceed now, I protest, that I may, without offence to any person, make use of the authority committed to me by my said lord and master, of which I demand an act.

Item, "I protest, that if those who assist in this judgment and inquest upon the persons accused, do undertake to acquit them of the king's murder, that it shall be held as a voluntary error, and not of ignorance; since it is notoriously known who they are that have murdered the king, as my said lord and master affirms; of which protestation I require an act thus signed, Robert Cunningham: of the production of which writing and protestation the said Robert demanded an act and instrument."

The judge considering the writing and protestation produced by the said Robert Cunningham, and having regard to the letters sent to our sovereign lady, by Matthew Earl of Lennox, also produced and read in judgment, the tenor of which is hereafter inserted; by which letters and writing the said Earl of Lennox requires that a brief and summary trial may be made of this cause: and having also regard to the act, and the order thereupon taken by the lords of the privy-council, and other such things; and to what the advocates insist upon as to the same fact, requiring that justice may be done to the said Earl of Bothwell; and taking notice likewise of the request and demand which he has made, that the whole may be thoroughly examined; the judge, by the advice of the lords and barons, his assistants, found that

they ought to proceed to the decision of the said cause the same day, according to the laws of the realm, notwithstanding the writing and protestation produced by the said Robert Cunningham; and that, in the mean time, he shall be admitted to join with and assist the said advocates, for the final trial of the said cause, if he thinks good.

Letters sent to the Queen by the Earl of Lennox.

"Madam, I return most humble thanks to your majesty for the gracious and consolatory letters which I received the 24th of this present month; by which I perceive that it is your majesty's pleasure to put off the trial of this late execrable fact, till the parliament meets. May it please your majesty to consider, that though I be assured that your highness must needs think the time long till the truth of this fact be found out, and the authors of it punished according to their demerits, yet I most humbly beg pardon of your majesty for troubling and importuning you so often, as I am forced to do, the affair being such as touches me so near; and therefore most humbly request, that your majesty would take in good part my advice as follows: it is, that it is too long to wait for the meeting of the parliament; besides, this is not an affair of that sort, which uses to be treated of in parliament, but being such, and of so great importance, as is evident to every one, it ought rather to be inquired into with all diligence, that the authors may suffer an exemplary punishment. I know that your majesty is much more able to judge of it than I; but being informed that certain placards, or writings, have been affixed to the gate of the senate-house of Edinburgh, which answered to your majesty's first and second proclamation, and named some persons as authors of the said cruel murder, I most humbly request of your majesty, for the honour of God, and for that of your majesty and your realm, and for the welfare and peace of it, that you would be pleased not only to cause those who are named in the said placards to be apprehended and put in safe custody, but likewise to assemble your nobility with all possible diligence, and then to summon, by proclamation, the authors of the said placards, to appear for the ends therein mentioned; and if they appear not, your majesty may, by the advice of your nobility and council, set at liberty those who are therein named. Your majesty will do an honourable act in bringing this matter to this issue, that according as the matter shall appear to your majesty, you may punish and chastise the authors of this cruel fact; or if the said placards shall be found false and of no validity, those who are charged may be acquitted and set at liberty, according to your majesty's good pleasure. Madam, I pray God Almighty to take your majesty into his protection and safeguard, and to preserve you in health and happy prosperity. From Howstoun, the 26th of February."

Second Letter from the Earl of Lennox.

"Madam, I beseech your majesty to attend to what follows: your highness, in your last letters, acquainted me, that if there were any names in the placards, which were set up at the door of the Senate-house of Edinburgh, of such persons as I thought worthy of condemnation, for the murder of the king, your majesty's husband, you would, according to my advice, make it your business to bring them to trial, according to the laws of this realm, and as the nature of the crime required. May it therefore please your majesty to know, that from the time I received your said letters, I always expected that some of those bloody murderers would be made openly known to you; but since I perceive they are not, I cannot find in my heart to conceal them from you any longer. Your majesty, therefore, has here the names of those whom I greatly suspect, viz. the Earl of Bothwell, Sir James Balfour, and Gilbert Balfour his brother; Master David Chamers; Black Master John Spence; the Sieur Franciscus Bastian, John de Bourdeaux, and Joseph, the brother of Davy Rizzio: whom I most humbly beseech your majesty, according to my former petition, not only to cause to be apprehended and committed to safe custody, but also with all diligence to assemble your nobility and council, and then to take such advice about the fact of the persons above-mentioned, as they may be duly examined. And as I hope, so I make no doubt, but that by proceeding in this manner, the spirit of God will assist toward bringing it to a good conclusion. Herein your majesty will do an act holy and honourable for yourself, who are a party, and highly satisfy those who stand in any relation to the deceased, whom you loved so dearly. And not doubting that your majesty will give proper orders for the whole, according to the importance of the matter (as I most humbly beseech you to do) I shall pray to Almighty God to take you into his protection, and to give you long life and health, with grace, that your reign may be both long and prosperous. Howstoun, March 17."

The names of the Judges, or Jury, deputed for the absolution of the Earl of Bothwell.

Andrew Earl of Rothes,
George Earl of Caithness,
Gilbert Earl of Cassils,
Lord John Hamilton, Commendator of Arbroth, son to the Duke,
James Lord Rosse,
Robert Lord Semple,
John Maxwell,
Lord Herris,
Lawrence Lord Oliphant,
John Master of Forbes,
John Gourdon of Lochinvar,
Robert Lord Boyde,
James Cockburn of Lanton,
John Sommerville of Cumbusnethan,
Moubray of Barnbougal, and
Ogilbye of Boyne.

The above-named being chosen, admitted, and sworn

to give sentence according to custom, and the Earl of Bothwell being accused, by indictment, of the crime above declared, and submitting and referring himself to the sentence of the said judges, they went out of the Senate-house to another place; and after having long disputed together upon all the articles of the said accusation, they severally declared the said James Earl of Bothwell absolved of the whole, and every part of the murder of the king, and, in general, of whatever depended on the said accusation.

Afterwards the said George, Earl of Caithness, chancellor or president at the said trial (*i. e.* foreman of the jury) as well in his own name as that of the other judges, demanded an act, to the end that as well the advocates as the said Robert Cunningham, having a proxy from the Earl of Lennox, and all others whomsoever, might be debarred hereafter from producing any other writings or proofs whatsoever, in order to support the indictment, and that the judges might not be induced to give any other opinion than they had done before; the rather, because nobody had proved the truth of the accusation, nor so much as any part of it, and that no accuser appeared but the above-mentioned, who were presented in order to carry on the trial: the judges having, therefore, regard to the same, declared him free, as far as they had any knowledge of the fact, with a protestation that this might not be afterwards imputed to them as a fault. This act and protestation, when the said Earl of Caithness, president, and some of the judges above-mentioned, returned to the court in the Senate-house, and before the pronouncing of the aforesaid sentence, was, at the request of the said Earl of Caithness, read publicly, and in full court, and he demanded an act and instrument of it, protesting as above.

Though the Earl of Bothwell was acquitted as above-mentioned, yet, knowing that the world still esteemed him guilty, in order to clear himself further, he set up a paper in the market-place, stating, that albeit he had been acquitted by law, yet, to make his innocence the more manifest, he was ready to try the same by single combat, with any man of honourable birth

and reputation, who would accuse him of the king's murder.

This was answered by another placard, set up immediately after in the same place, that forasmuch as the said Earl of Bothwell had caused a placard to be set up, signed with his own hand, whereby he challenged any man of quality, and of a fair reputation, who would and dared to say that he was guilty of the death of the king; adding, that he who said it, or went about to support that charge, should be forced to retract his words; a gentleman of honour and good renown accepted his offer, and said, he would prove, by the law of arms, that he was the principal author of that horrid murder, of which the judges had rashly acquitted him, for fear of death, after so much inquiry had been made into it. And whereas the King of France and the Queen of England required, by their ambassadors, that the said murder might be punished, he also intreats their majesties to insist with the queen, his sovereign lady, that, by her consent, a time and place may be appointed in their countries, to combat the earl according to the law of arms, in their presence or in that of their deputies; at which time and place he promises and swears, on the word of a gentleman, to be present and do his duty, provided their majesties will, by proclamation, grant safe conduct to him and his company, to pass and repass through their dominions without any molestation. He refers it to the judgment of the readers and hearers what just cause he has to desire this of the King of France and the Queen of England, and by this he advertises the rest of the murderers to prepare themselves; for he will give each of them the like challenge, and publish their names in writing, that they may be known to every body.

To this Bothwell made no reply.

ANTHONY BABINGTON, CHIDIOCK TITCHBURNE, THOMAS SALISBURY, ROBERT BARNWELL, JOHN SAVAGE, HENRY DONN, AND JOHN BALLARD.

CONVICTED OF HIGH-TREASON, IN WESTMINSTER-HALL, ON THE 13TH AND 14TH OF SEPTEMBER, 28TH ELIZABETH, 1586.

Mr. Vice-chamberlain demanded of the queen's learned council, what order they would take in arraigning the prisoners; and being answered that they should proceed to the arraignment of Savage first, he was brought to the bar, and the other prisoners removed: The clerk of the crown then said :—

" John Savage, hold up thy hand: thou hast been before this time indicted by virtue of commission, directed to Sir Edmund Anderson, knight, &c. (and so read his indictment) which in effect was, that William Gifford, doctor of divinity, maliciously moved him at Rheims, in Champaigne, traitorously and wickedly to kill and murder the queen's most excellent majesty, his liege sovereign and natural princess; affirming to the said Savage, that the killing of her majesty was an action lawful, honourable, and meritorious: and that thereupon the said John Savage did agree, conspire, and swear to murder the queen's most excellent majesty, his own natural Princess. And afterwards, that is to say, the first day of April 1580, at St. Giles's in the Fields, in the county of Middlesex, did falsely conspire to murder her said majesty, to disinherit her of her kingdom, to stir up sedition in the realm, and to subvert the true christian religion; and that to perform this malicious practice, devised with John Ballard how to bring the same to pass; and afterwards, the last day of May, did receive letters from Morgan, William Gifford, and Gilbert Gifford, whereby they did persuade and provoke the said Savage to execute and fulfil his said purpose and determination. How sayest thou, Savage, art thou guilty, or not guilty?"

Savage.—" For conspiring at St. Giles's, I am guilty; that I received letters, whereby they did provoke me to kill her majesty, I am guilty; that I did assent to kill her majesty, I am not guilty."

Sir C. Hatton.—" To say that thou art guilty to that, and not to this, is no plea; for thou must either confess it generally, or deny it generally: Wherefore delay not the time, but say either guilty, or not; and if thou say guilty, then shalt thou hear further; if not guilty, her majesty's learned counsel is ready to give evidence against thee."

Savage.—" Then, Sir, I am guilty."

Also it appeared, by Savage's own confession, that, between Midsummer and Alhallontide, 1585, he was

solicited by Gifford to kill the Queen and the Earl of Leicester. Furthermore, divers other proofs were brought forth by confession of others, all agreeing to Savage's confession.

Sir C. Hatton.—"Savage, I must ask thee one question: was not all this willingly and voluntarily confessed by thyself, without menacing, without torture, or without offer of any torture?"

Savage.—"Yes."

Wednesday, 14*th of September*, 1586.

Clerk of the Crown.—"John Ballard, Anthony Babington, John Savage, Robert Barnewell, Chidiock Titchburne, Thomas Salisbury, and Henry Donn, hold up your hands; which being done, he said, before this time you were indicted before Sir Edmund Anderson, knight, and others, &c. by virtue of her majesty's commission, &c. That whereas Barnardino de Mendoz, a Spaniard, and Charles Pagget, the 26th day of April, 1586, at Paris, in France, did maliciously and wickedly devise by what ways and means this realm of England might be invaded, and by what ways and means Mary Queen of Scots might be delivered: it was concluded then, that thou the said John Ballard should go into this realm of England, to understand and know what ports and landings might be procured and provided for the enemy's invasion, and for to learn by what means and ways the said Mary Queen of Scots might be delivered from the custody wherein she was. And that thou the said John Ballard, coming into this realm of England; you the said Anthony Babington, John Savage, Robert Barnewell, Chidiock Titchburne, Thomas Salisbury, and Henry Donn, as false traitors against the crown, and the queen's most excellent majesty, your true and natural sovereign; intending to put away the love of her majesty's most loving subjects, the 5th day of June, in the 28th year of the reign of our sovereign lady Queen Elizabeth, by the grace of God, &c. at St. Giles's in the Fields, within the county of Middlesex, did falsely, horribly, traitorously and devilishly, conspire, conclude and agree, the queen's most excellent majesty not only from her royal crown and dignity to depose, but also her to kill and slay; and sedition, insurrection, and rebellion to stir up and procure, and the government of this realm, and the true and christian religion therein planted to subvert, and the whole state thereof for to destroy; and for to raise and levy war within the realm. And thou the said John Ballard, the 17th day of June, in the 28th year aforesaid, at St. Giles's aforesaid, in the county of Middlesex aforesaid, didst go to have speech, and confer with thee the said Anthony Babington, by what means and ways your false traitorous imagined practices might be brought to pass. And that thou the said John Ballard didst oftentimes declare of an army of the pope, and the King of Spain, for to invade this realm; and didst also declare that Pagget and Mendoza required them the said Babington, Savage, &c. to procure means how this realm of England might be invaded. And that there thou the said

Anthony Babington didst say the same could not be brought to pass, without the murder of the queen's most excellent majesty; and afterwards, that is to say, the 7th day of June, at St. Giles's aforesaid, in the county of Middlesex aforesaid, thou the said Anthony Babington didst falsely, horribly, traitorously, and devilishly conspire to kill the queen's most excellent majesty, and for to deliver the said Mary, Queen of Scots, out of the custody wherein she was, and how to bring foreign enemies for to invade this realm. And that thou Thomas Salisbury went to St. Giles's aforesaid, in the county of Middlesex aforesaid; traitorously to confer by what means and ways thy traitorous imagined practices might be brought to pass; and that thou didst there conclude falsely and traitorously to go into thy country, in the county of Denbigh, there to move and stir up sedition and rebellion; and for to persuade the subjects to conjoin with thee, for the delivery of the said Mary, Queen of Scots, from the custody wherein she was; and for to aid and assist the foreign enemies which should invade this realm. And afterwards, the 9th day of June, that you Anthony Babington, and John Savage, went to St. Giles's aforesaid, in the county of Middlesex aforesaid, traitorously to confer how, and by what means your traitorous imagined practices might be brought to pass; and afterward, the 10th of June, you the said Anthony Babington, and John Savage, maliciously between yourselves, did appoint and conclude, that you the said John Savage, traitorously the queen's most excellent majesty shouldst kill and slay, and her to final destruction for to bring. And that thou the said Babington and Savage should join and assist the foreign enemies which should invade this realm. And that thou the said Anthony Babington, Chidiock Titchburne, and Robert Barnewell; afterwards, that is to say, the 11th day of June, in the year aforesaid, went to St. Giles's aforesaid, in the county of Middlesex aforesaid, to confer by what ways and means your treasons might be fulfilled and brought to pass. And thereupon, the 12th day of June, you the said Babington, Titchburne and Barnewell, with divers other false traitors, most horribly, devilishly, wickedly and traitorously did conclude and agree, that you the said Robert Barnewell, Chidiock Titchburne, with divers other horrible traitors, the queen's most excellent majesty would kill and slay, and the foreign invaders would aid and assist. And furthermore, that thou the said Thomas Salisbury, together with Edward Jones, esq. and other false traitors, to bring to pass your traitorous imagined practices, the 13th day of June, in the year aforesaid, did go to St. Giles's Field aforesaid, in the county of Middlesex aforesaid, to confer how your treasons might be brought to pass: and the same 13th day did confer, and had speech by what means your traitorous compassed imaginations might be performed. And afterwards, that is to say, the 15th day of June, at St. Giles's Field aforesaid, in the county of Middlesex aforesaid, thou the said Thomas Salisbury, and the said Edward Jones, did conclude, and agree, that the said Edward Jones should conjoin with thee for the delivery of the said Mary Queen of Scots, and for to aid and assist the foreign enemies

which should invade this realm. And furthermore, that John Travers, gent., another false traitor in this conspiracy, went to Clerkenwell, in the county of Middlesex aforesaid, traitorously to confer with thee the said Thomas Salisbury, how your traitorous compassed imagination might be brought to pass. And the same 15th day of June, at Clerkenwell aforesaid, in the county of Middlesex aforesaid, the said John Travers did traitorously conspire, and agree, for the delivery of Mary Queen of Scots, and to assist the foreign invaders of this realm. And furthermore, that thou the said Henry Donn, for the compassing of thy traitorous practices, the 22d of June, in the year aforesaid, traitorously didst repair, and go to the speech, and confer with the said Anthony Babington, and John Ballard, how your traitorous compassed imaginations might be brought to pass. And the same 22d of June, as well in St. Giles's aforesaid, as in other places, didst confer, and had speech how your treasons might be brought to pass. And that thou the said Henry Donn, the 24th day of June, at St. Giles's Field aforesaid, didst conclude, and agree with the said Ballard and Babington, to perform the best they could for the compassing of your treasons. And furthermore, that thou the said Anthony Babington, the 8th day of July, in the year aforesaid, received letters, dated the 25th of June, from Mary Queen of Scots, by which she signified unto thee, that she would not be unmindful of thy affection towards her; and required thee to send her letters from friends in France and Scotland. And the same day, thou the said Anthony Babington didst write unto the said Mary Queen of Scots, declaring the plot of thy treasons, and requiring from her, as from thy sovereign and prince, authority and commission to proceed in thy practices; and the 25th of July received letters to answer, by which the said Mary Queen of Scots willingly allowed of these treasons; and also, by her said letters, did animate, comfort, and provoke thee to fulfil the same effectually. And furthermore, that Sir Thomas Gerrard, another false traitor, and thou the said John Ballard as false traitors, not having the fear of God before your eyes, the 27th of July, in the 28th year aforesaid, at St. Giles's aforesaid, in the county aforesaid, did conspire traitorously to deprive the queen's most excellent majesty from her royal crown and dignity, and her to final death and destruction for to bring; and sedition and rebellion to stir up and procure, and to alter the government of the realm, and the true religion to subvert. And that thou the said Anthony Babington, and the said Sir Thomas Gerrard, the 29th of July, in the year aforesaid, went to St. Giles's aforesaid, in the county aforesaid, traitorously to conspire how and by what means your traitorous compassed imaginations might be brought to pass. And thereupon the last day of July, at St. Giles's aforesaid, in the county aforesaid, you the said Anthony Babington, and the said Sir Thomas Gerrard, did agree, that thou the said Sir Thomas Gerrard should join with thee the said Anthony Babington, for the delivery of the said Mary Queen of Scots from the custody wherein she was, and for the aiding and assisting of the foreign enemies which would invade this realm. And furthermore, that thou the

said John Ballard didst traitorously go to Southampton-house, in Holborn, within the county of Middlesex, traitorously to confer with John Charnock, gent., and other false traitors in this conspiracy, how your traitorous compassed imaginations might be brought to pass; and there didst confer and speech by what means your treasons might be performed; and afterwards, the 2d day of August, at Southampton-house aforesaid, the said John Charnock did traitorously assent to perform the best he could in fulfilling of your treasons, contrary to your allegiances you owe to the queen's most excellent majesty, her crown and dignity, and contrary to divers statutes in such case provided."

Sandes.—"How sayest thou, John Ballard, art thou guilty of these treasons whereof you stand indicted, or not?"

Ballard.—"That I practised the delivery of the Queen of Scots, I am guilty; and that I went about to alter the religion, I am guilty; but that I intended to slay her majesty, I am not guilty."

Sandes.—"Answer directly, art thou guilty according to the purport of the indictment."

Ballard.—"I answer as my case is."

Anderson.—"Either deny the indictment generally, or confess it generally."

Hatton.—"Ballard, under thine own hand are all things confessed; therefore now it is much vanity to stand vain gloriously in denying it."

Ballard.—"Then, Sir, I confess I am guilty."

Sandes.—"How sayest thou, Anthony Babington, art thou guilty of the treasons contained in the indictment?"

Accordingly Babington began, with a mild countenance, a sober gesture, and a wonderful good grace, to declare the beginnings and proceedings of his treasons, which was according as he was indicted, and according to Savage's confession, and Ballard's indictment. In the end, he laid all the blame upon Ballard, for bringing him to his destruction.

Hatton.—"A very fit author for so bad a fact."

Babington.—"Very true, Sir, for from so bad a ground never proceeds any better fruits; he it was that persuaded me to kill the queen, and to commit the other treasons, whereof now I confess myself guilty."

Sandes.—"How sayest thou, John Savage, art thou guilty of the treasons contained in the indictment?"

Savage.—"I am guilty."

Sandes.—"How sayest thou, Robert Barnwell, art thou guilty, &c.?"

Barnwell.—"I never intended harm to her majesty's person, but I confess I knew thereof, and I held it not lawful to kill the queen; howbeit, for my other actions, forasmuch as I know I am within the danger of the law, I plead guilty."

Sandes.—"How sayest thou Chidiock Titchburne, art thou guilty of the treasons contained in the indictment?"

Titchburne.—"That I knew of these treasons, and concealed them, I must confess that I am guilty; but, unto the rest, I am not guilty.

Sandes.—" You must either answer guilty, or not guilty."

Titchburne.—" What I am guilty of, I plead guilty; and I will confess no more."

Hatton.—" Then you may plead not guilty."

Titchburne.—" Then, Sir, I say, that I am not guilty."

Hatton.—" Very well, stay then till we have asked as much of Salisbury and Donn, and you shall be tried."

Sandes.—" How sayest thou, Henry Donn, art thou guilty of the treasons, &c. ?"

Donn.—" When I was moved, and made privy to these treasons, I always said, that I prayed unto God, that that might be done, which was to his honour and glory."

Hatton.—" Then it was thus that they said the queen should be killed, and thou said, God's will be done ?"

Donn.—" Yea, Sir."

Hatton.—" O wretch! wretch! thy conscience and own confession shew that thou art guilty."

Donn.—" Well, Sir, then I confess I am guilty."

Sandes.—" How sayest thou, Thomas Salisbury, art thou guilty, &c. ?"

Salisbury.—" For killing of the queen's majesty, I protest, I always said I would not do it for a kingdom."

Sandes.—" You are indicted, that you practised the delivery of the Queen of Scots, the invasion of this land with foreign forces, and of stirring up rebellion and sedition in this realm; are you guilty of that ?"

Salisbury.—" Then I am guilty of that I stand indicted of."

Sandes.—" Chidiock Titchburne, thou hast pleaded not guilty, how wilt thou be tried ?"

Titchburne.—" I beseech you, my lords, give me leave to speak."

Hatton.—" Say what you will."

Titchburne.—" I thank your honours; my good lords, in the beginning of this broil, I had sent for my horses to ride into the country; and the occasion of my longer abode in London was, that I had a lame leg. Then, what probability may it be, that I went to kill the queen here hard by London; when, had it not been for my lame leg, I had been in Hampshire ?"

Anderson.—" Well, then, if you plead not guilty, we will proceed to your trial."

Sandes.—" How sayest thou, art thou guilty, or not guilty ?"

Titchburne.—" I will confess a truth, and then I must confess that I am guilty."

Then Mr. Attorney began to declare at large the sum of their treasons: how they had conspired her majesty's death, and to make the Queen of Scots Queen of England; and if peradventure she miscarried in these disturbances as to be slain, then would they set up the King of Scots, if he were a catholic; if he were not a catholic, then would they enforce the King of Spain to

take the crown and set it on his head, and derive him a title from the house of Clarence. But because that title would be but slender, the pope should dispense, and so make it clear without question. Furthermore he declared, how priests continually had been the beginning of all the treasons committed against her majesty; he began at the rebellion in the North, and so proceeded till the treasons of Throckmorton and Parry.

Sir Christopher Hatton then set forth their treasons, and that they all proceeded from the wicked priests and ministers of the pope. And first he shewed, how these wicked and devilish youths had conspired to murder the queen's most excellent majesty; secondly, to bring in foreign invasion; thirdly, to deliver the Queen of Scots, and make her queen; fourthly, to sack the city of London; fifthly, to rob and destroy all the wealthy subjects of this realm; sixthly, to kill divers of the privy-council, as the Earl of Leicester, the Lord Treasurer, Mr. Secretary, Sir Ralph Sadler, Sir Amias Paulett; seventhly, to set fire to all the queen's ships; eighthly, to cloy all the great ordnance; ninthly and lastly, to subvert religion, and the whole state of government. The inventors and beginners of this plot were those priests and seminaries, against whom the parliament had not yet sufficiently provided, who, in these times, do not go about to seduce old and discreet men, for they (as the priests say) are too cold; but they assail, with their persuasions, the young, and of those, the ripest wits, whose high hearts and ambitious minds carry them headlong to all wickedness. In the end, he concluded with remorse for the youth of some of these unhappy men, and with detestation of the facts of Ballard; and also shewed forth a notable proof of the falsehood of these lying papists, which was a book printed at Rome, and made by the papists, wherein they affirm, that the English catholics which suffer for religion, be lapped in bear-skins, and baited to death with dogs; a monstrous lie, and manifest falsehood.

Lord Anderson next spoke to the same effect, almost in every point, in abhorring the abomination of

the Jesuits and Seminaries; and in the end concluded with an exhortation for the health of their souls; and, last of all, pronounced the sentence of death for treason, and they were executed accordingly.

EDWARD ABINGTON, CHARLES TILNEY, EDWARD JONES, JOHN TRAVERS, JOHN CHARNOCK, JEROME BELLAMY, and ROBERT GAGE,

FOR HIGH-TREASON, IN WESTMINSTER-HALL, ON THE 15TH DAY OF SEPT. 28TH ELIZ. 1586.

Sandes, clerk of the crown, made the charge in the following terms:—

"Before this time ye were indicted, that where Bernardyne de Mendoza, a Spaniard, Charles Paget, and John Ballard, the 2d day of April, in the 28th year of the reign of our sovereign lady the Queen's majesty, that now is at Paris, in France, did confer in what place this realm of England most aptly might be invaded, and what aid and assistance might be procured for the same, and how and by what ways and means Mary Queen of Scots might be delivered from the custody wherein she was. And that thereupon it was resolved by the counsel of Morgan, a most notorious traitor, that the said Ballard should pass into this realm of England to understand what help might be procured, and to prepare ports to land the enemies, for to invade the realm, and to prepare ways and means how Mary Queen of Scots might be delivered; and thereupon the said John Ballard, coming into England, you the said Edward Abington, Charles Tilney, Edward Jones, and John Travers, together with Anthony Babington, John Ballard, John Savage, Henry Donn, Thomas Salisbury, Chidiock Titchburne, and Robert Barnewell, as false traitors, the 8th day of June, in the 28th year of the reign of our sovereign lady the Queen's Majesty, that now is, at St. Giles's in the Fields, in the county of Middlesex, did conspire the Queen's most excellent majesty, not only from her crown and dignity to depose, but also her to kill and slay, and to stir up sedition and rebellion in the realm, and slaughter among the subjects for to make, and the government and religion to subvert, and the whole estate for to destroy, and divers strangers, her Majesty's enemies, to invade the realm, did procure and stir up. And afterwards, the 12th day of June, in the year aforesaid, thou the said Charles Tilney, and Anthony Babington, Robert Barnewell, and Chidiock Titchburne, went to St. Giles's aforesaid, to confer by what ways and means, your traitorous compassed imaginations might be brought to pass; and there, the same day, had speech, and did confer how your treasons might be performed:

and on the said 12th day of June, in the year aforesaid, at St. Giles's aforesaid, did conclude, that thou the said Charles Tilney, and Robert Barnewell, and Chidiock Titchburne, would kill the Queen, and aid the foreign enemies that should invade the realm; and that thou Edward Jones, with Thomas Salisbury, to perform your traitorous imaginations, the 13th day of June, in the 28th year aforesaid, went to St. Giles's aforesaid, to confer how your traitorous compassed imaginations might be brought to pass. And thereupon thou the said Edward Jones, with the said Thomas Salisbury, the 15th day of June, in the year aforesaid, at St. Giles's aforesaid, did conclude and agree traitorously to join with the said Thomas Salisbury, for the delivery of the said Mary Queen of Scots, and for to aid and assist the foreign enemies, which should invade this realm: and that thou the said John Travers, to fulfil thy traitorous compassed imaginations, the 15th day of June, in the 28th year aforesaid, traitorously didst go to Clerkenwell, within the county of Middlesex, to confer by what means your treasons might be brought to pass: and the same 15th day of June, at Clerkenwell aforesaid, in the county aforesaid, had speech, and did confer how your traitorous compassed imaginations might be brought to pass. And the 16th of June, at Clerkenwell aforesaid, in the county aforesaid, didst appoint and conclude, with the said Thomas Salisbury, to join with him for the delivery of Mary Queen of Scots, and in aiding and assisting the foreign enemies which should invade this realm. And further, that thou John Charnock, with Thomas Gerrard, knt. John Ballard and Anthony Babington, the 27th of July, at St. Giles's aforesaid, in the county aforesaid, didst conspire the Queen's most excellent majesty, not only from her crown and dignity to depose, but also her to murder and slay, and to make sedition and rebellion, and slaughter of her majesty's subjects, and the true and christian religion to subvert, and the whole estate and government to alter. And that thou John Charnock, traitorously didst go to Southampton-house in Holborn, within the said county of Middlesex, the last day of July; and the same last day didst confer there with John Ballard, how your traitorous compassed imaginations might be brought to pass; and thereupon, the 2d day of August, at Southampton-house in Holborn aforesaid, didst conclude and agree to do the best thou couldst for performance of the treasons aforesaid. And that thou Jerome Bellamy and Robert Gage, knowing that the said Anthony Babington, Robert Barnewell, and Henry Donn, had committed high-treason at Harrow-on-the-Hill, in the county of Middlesex, did receive and aid, contrary to your allegiance you owe to our sovereign lady the Queen, her crown and dignity, and contrary to divers statutes in such case provided. How sayest thou, Edward Abington, art thou guilty of these treasons whereof thou standest indicted, or not guilty?

Then said Abington, "I beseech your honours I may have a pair of writing-tables to set down what is laid against me, that I may yield a sufficient answer thereunto."

Sandes.—" It was never the course here."

Hatton.—" When you hear any thing you are desirous to answer, you shall speak an answer at full, which is better than a pair of tables."

Puckering.—" Well, Sir, then will we give evidence. And first, because it falls out that Abington and Tilney were acquainted with Savage's conspiracy, we will shew a little that which yesterday was opened at full; and therefore, by Ballard's confession, this summer was twelve-month, Ballard went into Scotland to understand of the willingness of the people, and Tilney offered to go with him."

Tilney.—" Yea, Sir, so I did; what can you prove by that?"

Puckering.—" Soft; I will tell you when I come to give evidence against you. After Christmas, Ballard went into the north, and afterwards had speech with Tilney to go over beyond the seas, and Tilney agreed and was contented. Ballard went over and sent letters to Tilney, desiring to stay till Ballard came over back, and he would tell him more. When Ballard came over, Tilney was acquainted with Savage's purpose, and Abington too: but then Ballard fell acquainted with Babington, and so came a greater conspiracy. And Abington put forth a proposition to surprize the Queen, and Tilney was privy: and it is under Babington's hand, that Tilney, Titchburne, Barnewell, and Savage, undertook to kill the Queen. Jones, at London, talked with Salisbury, and staid for him, and was privy to a writing that was sent for Salisbury's apprehension. And Jones repaired into Salisbury, at midnight, being in Jones's house, and told him, that he had undone them all, and lent him his own horse, and his man's cloak. Charnock, the same day that Ballard was taken, was moved by Babington, to be one of the six to kill the Queen; and he assented, and afterwards lent Babington apparel to fly in."

Solicitor.—" Abington's brother confesseth, that Ballard was twice at Edward Abington's lodging at Charing-cross; and at one of the times his brother and Ballard talked secretly at one end of the chamber; and Ballard was first acquainted with Thomas Abington at Rhemes; and Ballard saith, that he made Edward Abington acquainted with these treasons, and he gave his consent. And Babington saith, that Abington moved first the surprize of the Queen. Then was read the confession of Babington, which was, that Edward Abington moved first the surprize of the Queen to some strong place, and there to move her for reformation or toleration of religion. Tilney confesseth, that at the Three Tuns in Newgate-market, Babington moved a proposition for removing of the lord-treasurer and Mr. Secretary; and that Abington spake broad speeches concerning that matter; and that Tilney did reprove him for the same."

Tilney.—" I deny it, I never said so."

Puckering.—" Here is your own hand, and read it."

Tilney.—" It is mine own hand, but what did I mean? When I said concerning that matter, I must interpret mine own meaning, I meant to speak broad words concerning religion."

Babington's confession was then read, that Abington and Tilney were disposed to kill the Queen. That when certain seminaries in Rome came to take leave of the Pope, and to kiss his foot, the Pope asked what they were; and he was told, that they were Englishmen, who went to spend their lives for reformation of religion in their country. The Pope said, it was a good slow way; but said, that he would make a bridge over that ditch into England ere it were long. He also confesseth, that he and Babington heard Edward Abington speak to the same effect.

Solicitor.—"Also here is Ballard's own hand, that Babington appointed six to kill the Queen, Abington, Titchburne, Tilney, and others; and here is Babington's letter to the Queen of Scots, which proveth you to be one."

The letter was read; among others, this sentence was in; "there be six noble gentlemen which have undertaken the tragical execution," meaning the murder of the Queen of England, "only it resteth, that their attempt be honourably rewarded."

Abington.—"I will answer what is laid against me. My first acquaintance was with Savage, by reason that my brother and he were both of Bernard's-inn, and by him came I acquainted with Savage, who talking with me he told me of a book written at Rhemes, which inveighed against the Earl of Northumberland, Throckmorton, and Parry, for that they intended violence against her majesty's person, which book I liked; yea, but said Savage, it may be but for a colour. Then he told me, that it was written but for to blind the counsellors in England, and make them secure and careless, when in very deed they at Rhemes desire nothing more than the murder of the Queen of England. Then I answered, he that allows of Parry's actions, savours not of divinity. And this I protest is true. For Ballard's acquaintance, true it is, he came unto my chamber, and I knew him not; and then he told me, he had seen me four years ago at Chertsey. So then I asked, what news? and he told me of an invasion intended against this country. Whereunto I gave such cold answers, and such cold entertainment, as I never saw him since. For my doings with Babington; his lodging was right in my way to go from Charing-cross, through the fields to London; and true it is, he made me privy to his treasons, and that I concealed them: and when he told me strangers would invade this realm to reform religion, I protested to Babington, I had rather be drawn to Tyburn by the heels for my religion, than to have it reformed by strangers. And for Babington's accusation, what force can it be of? for he having committed and confessed treason in the most high degree, there was no hope for him but to accuse."

Tilney's Trial.

The confession of Tilney, wherein he denied Ballard's acquaintance, and he denied that ever he heard Ballard say, we should have a new world shortly. Ballard's confession was read next, which was, that before Christmas last, Ballard confessed Gage and Tilney at a house in Holborn.

Tilney's own confession was then read, wherein he stated (which also was given in evidence against Abington) that Abington said, "why might not her majesty be as well surprized as the Queen of Scots?" which words he spake at the Three Tuns in Newgate-market. He confessed, Ballard came to his chamber in Westminster, in his withdrawing-chamber (as it was termed) where Ballard told him, he had provided a pension for Windsor in France, and would do so for him; and told him of an invasion intended against this realm: he confessed, he would have gone to Scotland to have lived there among the catholics, when Ballard went thither; and said, that Windsor made him acquainted with Ballard.

Tilney.—"These things I confess, but yet 'tis no treason to hear treason talked of by others; as for myself, what presumptions may there be if I should be guilty, being her majesty's sworn servant, (whose highness God grant to reign) a young man of small ability, neither in lands nor goods, able to make any power at all; for religion, I confess, I am not now to be charged withall. As for Ballard's coming to me, I do confess it, but it was in such public manner, as no man in the world could judge his coming for any such intent as treason, for he came openly in the day-time, not in the night, and never came disguised."

Ballard's confession was then read, wherein Ballard thought that Tilney assented to kill the Queen; Tilney likewise requested some pension for him in France, when he came over.

Solicitor.—"Babington's confession is, that Tilney and Abington were disposed to kill the Queen."

Tilney.—"The first time that I knew Babington, was, that he came to my chamber in Westminster, to crave my acquaintance; I used him courteously, as appertained to a gentleman. The second time was at the Three Tuns in Newgate-market. And the third time was in the fields, and I never saw him else: that I should trust him in so high a matter for three times acquaintance,

is altogether improbable. As for Babington himself, albeit he be very wise, yet is he altogether vain."

Hatton.—Babington declared all this voluntarily; for who could accuse Tilney before Babington named Tilney?"

Tilney.—"My very good friends and countrymen of the jury, forasmuch as I am charged highly to have offended against the law, I am now to be tried according to the law by you. And therefore if you shall find this evidence sufficient to prove my guilt, you ought to find me guilty; but if you see, in your conscience, that I have answered fully each objection laid to my charge, I charge you to find me not guilty, as you will answer me at the dreadful day of judgment."

Trial of Jones.

Jones's confession was first read, that he said to John Travers, at Jones's house in Denbighshire, "Salisbury hath brought us all to destruction:"—"What remedy?" said Travers; "it is time then for us to be packing." But Jones lent Salisbury his horse to ride away with. Salisbury confessed he acquainted Jones with the foreign invasion, and delivery of the Queen of Scots, desiring his aid, which he promised him in Lincoln's-Inn-Fields: and that Salisbury fled upon Jones's relation of Babington's apprehension. Salisbury also confessed that he caused Jones to protest he would not discover him. Jones said, in his examination, that Salisbury never asked his assent, because he always thought himself certain of it. Jones also said to Salisbury, "What have you done? you have undone us all." This was the effect of the evidence which was given against him.

Jones.—"For concealing of the treason, I put me to her majesty's mercy; I confess I hastened Salisbury away."

Manwood.—"Then you deny not but that you horsed him away?"

Jones.—Then said Jones to the jury, "I confess this, and put me to her majesty's mercy; my case was hard and lamentable, either to betray my dearest friend, whom I loved as my ownself; and to discover Thomas Salisbury, the best man in my country, of whom I only made choice; or else to break my allegiance to my sovereign, and so undo myself and my posterity for ever. And this was my case."

Trial of Travers.

Salisbury confessed he acquainted John Travers with his treasons, and that he consented to the same. Travers said to him, he would go beyond the seas

with him. Salisbury confessed he exacted no oath of Jones and Travers when he acquainted them, but that they protested they would not discover him. It was also proved, that when Jones intended to have gone to Ireland, when it was to have been inhabited by the Englishmen, Travers asked him where he meant to go now, when his presence was necessary, and said, if Mr. Salisbury came home, he would surely detain him.

Culey's confession was then read, that Travers and Salisbury fled, and Travers called his own name Lacon, and Salisbury called his name Johnson, and that Culey would not change his name, because he had changed it before.

Travers.—" I fled and changed my name, because I was a Catholic, and doubted to be troubled for my religion and conscience."

Solicitor.—" If he be a priest, I honour him for his priesthood. He confessed nothing in his examination, he denieth he had any speech with Babington, saving salutations. He confessed he served in the Spanish camp, and there was acquainted with Savage, and it was proved against him, that he said Savage's sudden bravery would betray all their matters."

Trial of Charnock.

Charnock.—I confess that Ballard did make me acquainted with the invasion of the realm, and the other treasons, and thereupon I sounded Savage, who answered, he was not his man; but said, there was one in the court who should have done that long since, and that he was a Morganist."

Babington's confession was then read; Charnock promised him to be at his command, and Babington told him the Queen of Scots approved of their actions.

Ballard's confession was also read, that he told Charnock at large, and Charnock agreed to the same, and said he would do the best he could therein.

Savage's confession was also read, which was, that Babington moved Charnock to be one of the six, and Charnock told Savage that Babington moved him also.

Babington's confession was also read; which was, that he, talking in St. Paul's with Charnock of the Queen's death, Charnock promised to be guided by him in this affair, and that he offered to spend his life wherein Babington should direct him.

Charnock's own confession was then read, wherein

he confessed he lent apparel to Savage to fly in, and that he fled into the woods himself.

Charnock.—"Savage and I were acquainted when he was of Barnard's-Inn, and I of Furnival's-Inn, and we both served in the Spanish camp together; and Savage brought me acquainted with Ballard. As for Savage, because I knew he was an excellent soldier, a man skilful in languages, and learned besides, when I met him here in England, I was glad to renew old acquaintance with him. That I should consent to Ballard, the 2d day of August, see (if you please) what probability there is to the contrary; for, on the 4th of August, Ballard was apprehended, and before his apprehension Ballard sent a letter to Mr. Secretary, offering to discover all; myself was the bearer of the letter, and delivered it to one of Mr. Secretary's men; what likelihood is it, then, that I, knowing of this letter, after that Ballard was taken, would consent to Babington to kill the Queen, or that I consented to Ballard the 2d of August? Ballard being apprehended the 4th of August, and before that time had written to Mr. Secretary, and myself was the messenger."

The jury, upon this evidence and their answers, then proceeded to agree upon their verdict; and the five prisoners were sent away from the bar.

Bellamy and *Gage* were then called to the bar, and a new inquest was called and appeared at the bar, and evidence was given against the two prisoners as follows:—

Trial of Gage.

Evidence was first adduced that Gage knew Ballard to be a priest, and was reconciled, and gave lodging unto Ballard, and attended Ballard, as his man, when he went into the North, to provoke the people to rebellion: also, when all the matter was discovered, he lent Savage a horse to fly to Croydon, and directed him to one of Savage's father's men, who should help him away: and, that he lent Babington his apparel to fly in. It was then proved in his own confession, which was, that Ballard told him we should have a new world shortly, and that he lodged Ballard for his safety: he also confessed, that, during his flight, he lodged in a barn: and that he was reconciled by Ballard.

Charnock's confession was also read, that Gage borrowed apparel of him to fly in.

Gage was asked, by the Lord Chief Baron Manwood, wherefore he fled into the woods? to which he firmly replied, for company.

Trial of Bellamy.

Bellamy confessed that the report of the country was, that Babington, Barnewell, and Donn, had conspired the Queen's death; and that after he brought them meat into the woods, and lodged them in his house. Evidence was also given, that when a messenger came to Bellamy's house to seek for the traitors, telling him they conspired the Queen's death, he denied he knew whom they were; whereas, at the same time, he had them in the house. Bellamy spoke very little for himself; he seemed to be a clownish, blunt, wilful, and obstinate Papist.

The other jury then proceeded to a house to agree upon their verdict, and by that time the first jury had agreed, and approached the bar: Alderman Martin being their foreman, spoke for them, and said that they found all the five prisoners *Guilty;* and further, that they knew not what lands, tenements, goods, or chattels the prisoners had, &c. The clerk of the crown then set down the verdict, and discharged the inquest of that service.

The other inquest then agreed in their verdict, and found Gage and Bellamy *Guilty* of treason; whereupon they all received judgment of death, and were afterwards executed.

ALISTER MACGREGOR,

OF GLENSTRA, LAIRD OF MACGREGOR, FOR SLAUTERING THE LAIRD OF LUSS'S FRIENDS, AND PLUNDERING HIS LANDS.*

This trial, and the subsequent proceedings, relating to the clan Gregor, afford the most characteristic evidence of the barbarous state of the Highlands in those times, of the lawless manners of the people, and the despicable imbecility of the executive arm.

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* Rec. of Just. 20th January, 1604; Faculty MSS. vol. I. p. 214, 215, 369, 503.; Cockburne's MSS. p. 78, 346.

The crimes with which the prisoner was charged, resemble more the outrage and desolation of war, than the guilt of a felon. He was accused of having conspired the destruction of the name of Colquhoun, its friends and allies, and the plunder of the lands of Luss; of having, on the 7th of February preceding, invaded the lands of Sir Alexander Colquhoun of Luss, with a body of 400 men, composed partly of his own clan, and of the clan of Cameron, and of lawless thieves and robbers, equipped in arms, and drawn up on the field of Lennox, in battle array: of having fought with Sir Alexander, who, being authorized by a warrant from the privy-council, had convocated his friends and followers to resist this lawless host: of having killed about 140 of Sir Alexander's men,* most of them in cold blood, after they were made their prisoners: of having carried off 80 horses, 600 cows, and 800 sheep; and of burning houses, corn-yards, &c.†

A jury of landed gentlemen, of most respectable family, sat upon the prisoner. They were,

Sir Thomas Stewart, of Gairntullie.
Colin Campbell, of Glenurchie.
Alexander Henzies, of Weyme.
John Hering, of Lethendie.
William Stewart, Captain of Dumbarton.
Harie Drummond, of Blair.
Robert Robertson, of Strowan,
John Napier, fiar of Merchistone.
Thomas Fallusdaill, burgess of Dumbarton.
Moyses Wallace, burgess of Edinburgh.

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* There is mentioned among the slain, *Tobias Smollett*, bailey of Dumbarton, who must have been of the family of his namesake, the celebrated author.

† This was not the first time the Laird of Luss had suffered from the barbarous depredations of the Macgregors. It appears, that, when the king was at Stirling, on the 21st of December, 1602, the Laird of Luss presented himself before his majesty, and implored his assistance. The laird was attended by a number of women, corresponding to that of his followers, who had been killed or wounded, each displaying, as a banner, one of the bloody shirts which his men had on, when killed or wounded by the Macgregors. This was about six weeks before the engagement on the field of Lennox.—*Letter by Thomas Fallusdaill, burgess of Dumbarton, dated 19th December, 1602, and addressed to the Right Honourable Alexander Colquhoun of Luss, in the archives of that family.*

Charles Blair of that Ilk, elder, chancellor of the jury.	John Graham, of Knockdonaine.
John Blair, younger, of that Ilk.	Sir Robert Crichton, of Cluny.*
	Robert Robertson of Faskallie.

One of these persons, indeed, Thomas Fallusdaill, burgess of Dumbarton, ought to have kept far aloof from this jury. He was the special confidant and adviser of the Laird of Luss; and it was in consequence of his suggestion that the laird made the parade before his majesty at Stirling, with the bloody shirts, stained with the gore of his followers. The jury unanimously convicted the prisoner, who, in consequence of the verdict, was condemned to be hanged and quartered at the Cross of Edinburgh, his limbs to be stuck up in the chief towns, and his whole estate, heritable and moveable,† to be forfeited. Four of the Laird of Macgregor's followers, who stood trial along with him, were convicted and condemned to the same punishment, eleven on the 17th of February, and six on the 1st of March: and many pages of the criminal record are engrossed with the trials of the Macgregors. It became the object of national attention to break this lawless confederacy, of which the object was pointed revenge and indiscriminate plunder, supported by uniform contempt of the laws, and resistance of the magistrates. A statute was passed in the year 1633,‡ ordaining, that the whole of the Clan Macgregor, which should be within the realm on the 15th of March thereafter, should appear before the privy-council, and give surety for their good behaviour: that each of the clan, on arriving at the sixteenth year of his age, should appear before the privy-council on the 24th of July, and find surety as above required: that the surname of Macgregor should be abolished, and the individuals adopt some other: that no minister should baptize a child, or clerk or notary subscribe a bond, or other security, under the name of Macgregor, under pain of deprivation.

* The Admiral Crichton was of this family, and, as he was born A. D. 1551, this gentleman probably was his brother.

† Real and personal.

‡ Charles I. Parl. 1.; Act 30. Charles II. Parl. 1. Sess 1.; unprinted Acts, William and Mary, Parl. 1, Sess. 4.; Act 39. George III. An.

This act was rescinded at the restoration: but it seems probable that the Macgregors had aggravated the outrages of a disorderly life by the unpardonable crime of Jacobitism. The act rescissory was annulled, and that against the Macgregors revived, in the first parliament of William and Mary. After a few years, however, the state of manners and of government rendered it proper that this act of proscription should be abolished for ever. The highlanders, about the same period, were gratified in certain other trifles for entering with zeal into the service of the state, when others conspired its ruin. Finally, the forfeited estates were restored to the heirs of the persons who were attainted for being concerned in the rebellion 1715; a measure which would have been still more generally grateful, could government have bestowed a like degree of favour on the representatives of those noble families, the descendants of those illustrious ancestors, who undoubtedly were much more innocent, much more excusable, in being concerned in the rebellion 1715.

THE GUNPOWDER CONSPIRATORS.

TRIAL OF HARRY GARNET, SUPERIOR OF THE JESUITS IN ENGLAND, AND OTHERS, FOR THE GUNPOWDER-TREASON PLOT.

We shall not pretend to give the history of this conspiracy at large; the design was to blow up king, lords, and commons assembled in parliament, on the 5th of November that year. The first intimation of the discovery was by the following letter to the Lord Monteagle:—

"My Lord,

"Out of the love I bear to some of your friends, I have a care of your preservation, therefore I would wish you, as you tender your life, to forbear your attendance at this parliament; for God and man have concurred to punish the wickedness of this time, and think not slightly of this advertisement, for though there be no appearance of any stir, yet, I say, they shall receive a terrible blow this parliament, and yet they shall not see who hurts them: the council is not to be condemned, because it may do you good, and can do you no harm; for the danger is past as soon

as you have burnt this letter: I hope God will give you grace to make use of it, to whose holy protection I commend you."

The author of this letter to the Lord Monteagle was never known; nor on what account King James suspected its meaning to be, what it really was, gunpowder, is, in great part, a mystery to this day; yet it is not to be doubted, but the king had some intimation given him by Henry IV. of France, of the designs of the papists against him; for, in the Duke of Sully's Memoirs there is, more than once, mention made of some sudden blow they intended in England, about that time: in one letter, King James is desired to take warning from the fate of Henry III.; and this opinion is the more to be credited, because in the harangue pronounced at Rome, in the praise of Ravilliac, the assassin of Henry IV. which has since been so often quoted by several authors, both papists and protestants, as an argument that the jesuits approved of the murder, it is there said, "That Henry IV. was not only an enemy to the catholic religion, in his heart, but had obstructed the glorious enterprizes of those who would have restored it in England, and occasioned them to be crowned with martyrdom. Now it is well known, that Garnet and the rest who were executed for this plot, were reputed martyrs for the catholic cause, by the college of jesuits at Rome, where that harangue was pronounced.

The king having appointed the Lord-Chamberlain, the Earl of Suffolk, to make a search about the parliament-house, and after him Sir Thomas Knevet, one of the gentlemen of his privy-chamber, Faux and his instruments about him were seized; and the other conspirators, finding they were discovered, posted to Dunsmore, to the pretended hunting-match; but, being pursued by the high-sheriffs of Worcestershire and Warwickshire, they betook themselves to Littleton's house at Halback; and there Thomas Percy and Robert Catesby, making a desperate sally, were both slain; as were also John and Christopher Wright; Thomas Winter, Francis Tresham, and the rest were taken; Tresham died of a strangury in the Tower; and Robert Winter, esq.; Thomas Winter, gent.; Guy Faux, gent.;

John Grant, esq.; Ambrose Rookwood, Esq,; Robert Keyes, gent.; and Thomas Bates, were arraigned in Westminster-Hall, on the 27th of July, 1605; (so was also Sir Everard Digby, knt., upon another indictment for treason committed in the county of Northampton) before these commissioners:—

The Earl of Nottingham,
The Earl of Suffolk,
The Earl of Worcester,
The Earl of Northampton,
The Earl of Salisbury,
Lord-Chief-Justice of England,
Lord-Chief-Baron of the Exchequer,
Sir Peter Warburton, knt. one of the Justices of the Court of Common Pleas.

"Whereas our sovereign lord the king had, by the advice and assent of his council, for divers weighty and urgent occasions concerning his majesty, the state, and defence of the church and kingdom of England, appointed a parliament to be held at his city of Westminster; Henry Garnet, superior of the jesuits within the realm of England, called also by the several names of Wally, Darcy, Roberts, Farmer, and Henry Philips; Oswald Tesmond, jesuit, otherwise called Oswald Greenwell; John Gerrard, jesuit, called also by the several names of Lee and Brook; Robert Winter, Thomas Winter, gentlemen; Guy Fawkes, gentleman, otherwise called Guy Johnson; Robert Keyes, gentleman, and Thomas Bates, yeoman, late servant to Thomas Catesby, esq.; together with the said Robert Catesby, and Thomas Percy, esqrs.; John Wright and Christopher Wright, gentlemen, in open rebellion and insurrection against his majesty lately slain; and Francis Tresham, esq. lately dead; as false traitors against our said sovereign lord the king, did traitorously meet and assemble themselves together; and being so met, the said Henry Garnet, Oswald Tesmond, John Gerrard, and other jesuits, did maliciously, falsely, and traitorously move and persuade, as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham; that our said sovereign lord the king, the nobility, clergy, and whole commonalty of the realm of England, (papists excepted) were heretics; and that all heretics were accursed and excommunicated; and that no heretic could be king; but that it was lawful and meritorious to kill our said sovereign lord the king, and all other heretics within this realm of England, for the advancing and enlargement of the pretended and usurped authority and jurisdiction of the Bishop of Rome, and for restoring the superstitious Romish religion within this realm of England; to which traitorous persuasions the said Thomas Winter, Guy Fawkes, Robert Keyes, Thomas Bates, Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, traitorously did yield their assents; and that thereupon the said Henry Garnet, Oswald Tesmond, John Gerrard, and divers other jesuits; Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates; as also the said Robert Catesby, Thomas Percy, John

Neele & Stockdale &c 352 Strand.

THE GUNPOWDER PLOT CONSPIRATORS.

(From an old Print)

Wright, Christopher Wright, and Francis Tresham, traitorously among themselves concluded and agreed with gunpowder, as it were with one blast, suddenly to blow up and tear in pieces our sovereign lord the king; the excellent, virtuous, and gracious queen Anne, his dearest wife; the most noble prince Henry, their eldest son, the future hope and joy of England; and the lords spiritual and temporal; the reverend judges of the realm; the knights, citizens, and burgesses of the parliament, and divers other faithful subjects and servants of the king, in the said parliament, for the said causes aforesaid, to be assembled in the parliament-house, and all of them, without any respect of majesty, dignity, degree, sex, age, or place; most barbarously, and more than beastly, traitorously and suddenly to destroy and swallow up; and further, did most traitorously conspire and conclude, among themselves, that not only the whole royal issue male of our said sovereign lord the king, should be destroyed and rooted out; but that the persons aforesaid, together with divers other false traitors, traitorously with them to be assembled, should surprize the persons of the noble Ladies Elizabeth and Mary, daughters of our said sovereign lord the king, and falsely and traitorously should proclaim the said Lady Elizabeth to be queen of this realm of England; and thereupon should publish a certain traitorous proclamation, in the name of the said Lady Elizabeth, wherein as it was specially agreed between and by the said conspirators, that no mention should be made at first of the alteration of religion established within this realm of England; neither would the said false traitors therein, acknowledge themselves to be authors, or actors, or devisers of the most wicked and horrible treasons, until they had got sufficient power and strength for the assured execution and accomplishment of their said conspiracy and treason; and that then they would avenge and justify the said most wicked and horrible treasons, as actions that were in the number of those, *Quæ non laudantur nisi peracta*, which are not to be commended before they are accomplished; but, by the said feigned and traitorous proclamation they would publish, that all and singular abuses and grievances within this realm of England should, for the satisfaction of the people, be reformed; and that as well for the better concealing as for the more effectual accomplishing of the said horrible treasons, as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and John Tresham; by the traitorous advice and procurement of the said Henry Garnet, Oswald Tesmond, John Gerrard, and other jesuits, traitorously did further conclude and agree, that as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, thereupon severally and traitorously should receive their several corporal oaths upon the holy evangelists, and the sacrament of the Eucharist, that they the treasons aforesaid would traitorously conceal and keep secret, and would not reveal them, directly nor indirectly, by words nor circumstances; nor even would desist from the execution and final

accomplishment of the said treasons, without the consent of some three of the aforesaid false traitors, first in that behalf traitorously had; and that, thereupon, as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, did traitorously take the said several corporal oaths severally, and received the sacrament of the Eucharist aforesaid, by the hands of the said Henry Garnet, John Gerrard, Oswald Tesmond, and other jesuits; and, further, that the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, by the like traitorous advice and council of the said Henry Garnet, John Gerrard, Oswald Tesmond, and other jesuits, for the more effectual accomplishing and final execution of the said treasons, did traitorously among themselves conclude and agree to dig a certain mine under the said house of parliament, and there secretly under the said house to bestow and place a great quantity of gun-powder; and that according to the said traitorous conclusion, the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, afterwards secretly, not without great labour and difficulty, did dig and make the said mine into the midst of the foundation of the wall of the said house of parliament, the said foundation being of the thickness of three yards, with a traitorous intent to bestow and place a great quantity of gunpowder in the mine aforesaid, so as aforesaid traitorously to be made for the traitorous accomplishing of their traitorous purposes aforesaid; and that the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, finding and perceiving the said work to be a great difficulty, by reason of the hardness and thickness of the said wall, and understanding a certain cellar under the said parliament-house, and adjoining to the house of the said Thomas Percy, was then to be left to farm for a yearly rent, the said Thomas Percy, by the traitorous procurement as well of the said Henry Garnet, Oswald Tesmond, John Gerrard, and other jesuits, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as of the said Robert Catesby, John Wright, and Christopher Wright, traitorously hired the cellar aforesaid for a certain yearly rent and term; and then those traitors removed twenty barrels full of gunpowder out of the said house of the said Thomas Percy, and secretly and traitorously bestowed and placed them in the cellar aforesaid, under the said parliament-house, for the traitorous effecting the treason and traitorous purposes aforesaid; and that afterwards the said Henry Garnet, Oswald Tesmond, John Gerrard, and other jesuits; Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, traitorously met with Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, esq.; and traitorously imparted to,

the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, the treasons, traitorous intentions and purposes aforesaid, and required the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, to join themselves as well with the said Henry Garnet, Guy Fawkes, Robert Keyes, and Thomas Bates, as with the said Robert Catesby, Thomas Percy, John Wright and Christopher Wright, in the treasons, traitorous intentions and purposes aforesaid; and traitorously to provide horses, armour, and other necessaries for the better accomplishment and effecting of the said treasons; to which traitorous motion and request the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, did traitorously yield their assents; and as well with the said Henry Garnet, Oswald Tesmond, John Gerrard, Robert Winter, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as with the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, in the said treasons, traitorous intentions and purposes aforesaid, traitorously adhered and united themselves, and thereupon several corporal oaths in form abovesaid traitorously took, and the sacrament of the Eucharist by the hands of the said jesuits received, to such intent and purpose as is aforesaid; and horses, armour, and other necessaries for the better effecting of the said treasons, according to their traitorous intents aforesaid traitorously provided; and that afterwards all the said traitors traitorously provided, and brought into the cellar aforesaid, ten other barrels full of gunpowder newly bought, fearing lest the former gunpowder, so as aforesaid bestowed and placed there, was become dampish; and the said several quantities of gunpowder aforesaid with billets and faggots, lest they should be spied, secretly and traitorously covered; and that afterwards the said false traitors traitorously provided and brought into the cellar aforesaid, four hogsheads full of gunpowder, and laid divers great iron bars and stones upon the said four hogsheads, and the aforesaid other quantities of gunpowder; and the said quanties of gunpowder, bars and stones, with billets and faggots, lest they should be espied, secretly and traitorously did likewise cover; and that the said Guy Fawkes afterwards, for a full and final accomplishment of the said treasons, traitorous intents and purposes aforesaid, by the traitorous procurement as well of the said Henry Garnet, Oswald Tesmond, John Gerrard, and other jesuits, Robert Winter, Thomas Winter, Robert Keyes, Thomas Bates, John Grant, and Ambrose Rookwood, as of the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, traitorously had prepared, and had found upon his person touchwood and match, therewith traitorously to give fire to the several barrels, hogsheads and quantities of gunpowder aforesaid, at the time appointed for the execution of the said horrible treasons; and further, that after the said horrible treasons were, by the great favour and mercy of God, in a wonderful manner discovered, not many hours before it should have been executed; as well the said Henry Garnet, Oswald Tesmond, John Gerrard, Robert Winter, Thomas Winter, Robert Keyes, Thomas Bates, John Grant, and Ambrose Rookwood, as the said

Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, traitorously fled and withdrew themselves, to the intent traitorously to stir up and procure such popish persons as they could to join with them in actual, public, and open rebellion against our said sovereign lord the king; and to that end published divers feigned and false rumours, that the papists' throats should have been cut; and that thereupon divers papists were in arms, and in open, public, and actual rebellion against our said sovereign lord the king, in divers parts of the realm.

The conspirators made so little defence for themselves, Garnet excepted, that we shall only observe, that after reading their several examinations, confessions, and voluntary declarations, as well of themselves as of some of their dead confederates, they were all found guilty of the treasons contained in their indictment: and, being asked why sentence of death should not pass upon them? Thomas Winter desired he might be hanged both for his brother and himself. Faux being asked why he pleaded not guilty? He said he had done so because of some conferences mentioned in the indictment which he was ignorant of. Keyes told the Court, his fortune was desperate, and he had as soon die now as at any other time; and for this cause, rather than another. Bates and Robert Winter craved mercy; Grant was a great while mute, but at last submissively owned he was guilty of an intended conspiracy, but never effected. Ambrose Rookwood excused his denial of the indictment, saying he had rather lose his life than give it; he then owned his offence justly deserving the king's indignation, and that of the whole realm, yet could not despair of mercy from so gracious a prince; and the more, because though his offence was not capable of excuse, yet it was of extenuation, since he had been neither author nor actor, but drawn in by Catesby, whom he loved above all mankind; and his mercy he craved, not for fear of death, but to prevent the blemish and ignominy that would remain on his name and family to all future ages; and prayed that the king would herein imitate God, who sometimes punished *corporaliter non mortaliter*, corporally but not mortally.

Sir Everard Digby owned that the love and friendship he had to Catesby, drew him into the conspiracy; that the cause of religion was another motive; and the last was the violation of promises to the Catholics;

and since his offences were confined within himself, he desired that the punishment might only extend to himself, and not to his wife, children, and other relations; then begging pardon of the king, he entreated he might be beheaded. The Attorney-general Coke having made suitable answers to Sir Everard, and sentence being passed, he, together with Robert Winter, John Grant, and Thomas Bates, were, on Thursday, the 30th of January, executed at the west end of St. Paul's church; and next day Thomas Winter, Ambrose Rookwood, Robert Keyes, and Guy Faux, were hanged within the old Palace-yard, at Westminster, not far from the parliament-house.

Having brought these criminals to execution, we come to the trial of Henry Garnet, on the 28th of March, 1606, at Guildhall, in the city of London, before these lords-commissioners:—

Sir Leonard Holiday, Lord-Mayor,
Charles Howard, Earl of Nottingham,
Thomas Howard, Earl of Suffolk,
Edward Somerset, Earl of Worcester,
Henry Howard, Earl of Northampton,
Robert Cecil, Earl of Salisbury,
The Lord-Chief-Justice of England,
The Lord-Chief-Baron of the Exchequer,
Sir Christopher Yelverton, Kt. one of the Justices of the King's-Bench.

The indictment need not be repeated, it being the same in effect as that already given; it was opened by Sir John Croke, the king's sergeant, who said, that the prisoner at the bar proved that true which the Author of Truth told us, "That there is nothing hid that shall not be made manifest; that God, by whom kings reigned, scattered and brought to nought the counsels of the wicked;" that if he spoke with fear and trembling, and with horror and amazement, against the rotten root of that hideous and hateful tree of treason, and of that detestable and unheard-of wickedness, he begged pardon, affirming no body could mention it without astonishment: he set forth that Garnet, otherwise Walley, &c. stood indicted of the most damnable treason that was ever heard of; that he was a man of many names, as appeared by the indictment, but no good

name, adorned by nature with many gifts and graces, if the grace of God had been joined with them; but that being wanting, *quanto melior*, in other gifts, *tanto nequior*.

That this Garnet, together with Catesby, lately slain in open rebellion, and with Oswald Tesmond, otherwise Greenwell, a jesuit, as a false traitor against our Sovereign Lord King James, on the 9th of June last, traitorously conspired and compassed to depose the king, and deprive him of his government; to destroy and kill the king, and the noble Prince Henry, his eldest son; such a king, and such a prince, such a king, and such a father, whose virtues were rather, with amazed silence, to be admired, than by words to be expressed; to stir sedition and slaughter throughout the kingdom, and subvert God's true religion, and the whole government of the kingdom, and to overthrow the whole state of the commonwealth.

As to the manner of executing these horrible treasons, his lips trembled to speak it, but his heart praised God for the mighty deliverance; the practice was so inhuman, barbarous, damnable, and detestable, that the like was never read nor heard of, nor ever before entered into the heart of the most wicked man to imagine; and here he said, he could not but mention that religious observation of his majesty, wishing it were engraven in the hearts of all his people, that the more hellish the imagination, the more divine the preservation.

This Garnet, with Catesby and Tesmond, conferred together, and traitorously concluded, that Catesby, Winter, Fawkes, and many others lately attainted of high-treason, should, with gunpowder, blow up the king, prince, lords spiritual and temporal, judges of the realm, knights, citizens, and burgesses, with many other of the king's subjects and servants in the parliament-house, at one blow, without any respect of majesty, dignity, degree, age, and place; and, for that purpose, they traitorously and secretly placed a great quantity of gunpowder, and hid it under the parliament-house. The sergeant added, that they should have evidence to prove the prisoner guilty, who had pleaded not guilty, *luce clariores*; that every man might read them running;

that they should have *testimonia rerum et loquentia signa*, witnesses and testimonies of the things themselves; *res confitentes et accusantes invicem*, insomuch that every body might say to him, thou wicked subject and servant, I judge thee of thy own mouth; and this shall be so made manifest by him that can best do it, as shall put a stop to all contradiction. Here Sir Edward Coke taking the word, said:

"Their lordships might perceive, by the parts of the indictment now succinctly opened, that this was but a later act of that woeful tragedy, commonly called the Powder-treason; wherein some had already, according to their demerits, suffered condign punishment; that they were now to proceed against the prisoner for the same treason; and therefore the repetition of some things before spoken, should at least seem tolerable, for that can never be said too often, that can never be said enough; nay, it might be thought justifiable fully to represent that case, because many could not hear, by reason of the great confluence of people at the former arraignment; yet he would not be tedious, by reason the lords-commissioners, and others, were present at that arraignment."

Having premised thus much, he reduced what he had to say under two general heads:

"First, he said he would consider the offences together, with some circumstances

"Preceding the offence,

"Concurrent with the offence,

"Subsequent to the offence.

"Secondly, he would lay down some observations concerning the same.

"As for the proper name of that offence, and to distinguish it from others, he would call it the Jesuits' Treason, as belonging to them, both *ex congruo et condigno*, they were the proprietors, plotters, and promoters of it; and in such crimes the author or promoter is a greater offender than the actor or executor, as appears by God's own judgment against the first sin in Paradise, where the serpent had three punishments inflicted on her, as the original plotter; the woman had two, as the mediate procurer; and Adam only one, as the seduced party.

"That the precedent and subsequent circumstances so termed there, were, in reality, all high-treasons, but in respect to the magnitude and monstrousness of this, might comparatively be used as circumstances; and because they had to do with the superior of the jesuits, he would touch upon those treasons plotted by that order, and some others, since he came into England, of which he may truly say, *Et quorum pars magna fui*.

"That he came into England, which was treason in itself, about twenty years before, viz. July, 1586, in the 28th year of Queen Elizabeth; whereas the year before there was a law enacted,

which made it treason in any priest, so made by any authority from the see of Rome, since the first year of her reign, to come into her dominions."

He went on and informed them:—

"That, in the 28th of the queen, anno 1586, Garnet came into England; and that at a time when the Spanish armada, which the pope blessed, and christened by the name of the Invincible Navy, and consisted at least of 158 great ships, were preparing to invade the kingdom, that the jesuits were the fore-runners of this invasion, and navy, and Garnet was amongst them; but that the queen, with her own shipping and subjects, defeated, by God's blessing, that armada, and destroyed most of them, scarce forty of them returning home to the bar of their own haven; and most of them, according to common fame, also perished."

Here he observed:—

"That, about the time of that invasion, there was a consultation held in Spain, between the Cardinal of Austria, Duke of Medina, Count Fuentes, two Irish bishops, and several military men; and, amongst others, Winslade, an Englishman; and the Irish bishops perceiving they expected a party of papists in England, agreed it was impossible to do any good there without it; but such, said they, was the English policy, that that could never be effected; for, upon the least suspicion that arose, the Catholics would be either soon confined, or quite cut off; but what said an old soldier there present? 'This makes for us, for by that means their souls shall go to Heaven for their religion, their bodies to the earth for their treason, and their lands and goods to us as conquerors;' and it was what indeed they principally aimed at; to which he subjoined, 'that since the jesuits set foot in England, no four years past without a most pestilent and horrid treason invented by them, to the subversion of the state; that, after the invasion of eighty-eight, they fell upon new treasonable practices, for, in ninety-two, came over Patrick Cullen, at the instigation of Sir William Stanley, Hugh Owen, James Francis, and Holt the jesuit, and resolved by the same Holt to kill the queen, for which he received of him absolution and the sacrament, together with the spiritual advice, that it was both lawful and meritorious to do it; nay, the said James, the laundress's son, said, the state of England was and would be so well settled, that unless Mrs. Elizabeth were suddenly taken off, all the devils in hell would not be able to prevail against, or shake it.'

"'That Cullen's treason was attended with a book, called Philopater, writ to abet and authorize such a hellish act, in general, by Creswell, the legier jesuit in Spain, under the aforesaid feigned name; that in ninety-four Williams and York came over to destroy the queen, being set on by Father Holt and his accomplices, and to that end received the sacrament of him, and other jesuits, in the Jesuits' College; and that treason was also accompanied with

a book, written by Parsons, under the name of Doleman, legier jesuit and rector at Rome; a book full of falsehold, forgery, and malediction; that Squire, in ninety-seven, came from Spain to poison the queen, at the instigation of Walpole, the jesuit, then residing there, who also gave him absolution and the sacrament, as well to execute the parricide, as to keep it secret; all which treasons were freely and voluntarily confessed by the parties themselves, under their own hands, and were then extant to be seen.

"That in 1601, when practices failed, then force was again attempted; for then was Thomas Winter employed to the King of Spain, with Tesmond, the jesuit, by this Garnet, who wrote letters to Arthur, alias Joseph Creswell, the legier jesuit in Spain, to offer the services of the English Catholics to that king, and concert an invasion; with promises from those in England of assistance, both of men and horses, ready to join them; that that negotiation, by the means of Creswell, had that effect; that the two kingdoms being then in hostility, the proposals of the English Romanists were received and agreed to, an army promised, and an hundred thousand crowns to be distributed among the Papists and malcontents, for promoting that service; and that, in the mean time, the king earnestly desired, if the queen should die, he might have early information of it.

"That this treason was accompanied with two briefs or bulls of the pope, one to the clergy, and the other to the laity, sent to Garnet, under these titles; 'To our beloved sons, the noblemen and gentlemen of England, who are Catholics, greeting an apostolical benediction.' The other to the clergy ran thus, 'To our beloved sons, the arch-priests, and the rest of the Catholic clergy.' The contents were, that when the queen died, whoever laid claim to the crown, though never so near in blood, unless he was such an one as would not only tolerate the Catholic religion, but use his best endeavours to promote it; and, according to ancient custom, by a solemn oath, religiously promise and undertake to perform the same, he should not be admitted to be king."

That the bulls came upon Winter's negotiations in Spain for an army to invade the kingdom, upon the death of miserable Queen Elizabeth, for so the pope expressed it.

That since the death of Queen Elizabeth and his present majesty's accession, there passed not four years, nay, not four, and scarce two months without some treason; that first in March 1603, upon the queen's death, and before they had seen the king's face, Christopher Wright was sent into Spain, by Garnet, Catesby, and Tresham, to continue the former negotiation of Winter, and Garnet wrote by him to Creswell to further it; that Fawkes, on the 22d of June following, was sent out to Flanders by Baldwin, the jesuit, Sir William Stanley and Hugh Owen, about the same treason; that in the same month Garnet and Gerrard, and other jesuits, laboured to provide horses, which by Winter and Wright's negotiations they promised, in the name of the English romanists, to assist the King of Spain with, when he should send his forces to invade the kingdom, and land either at Milford Haven or in Kent;

and, by virtue of the said bulls, dissuaded the romanists from yielding due obedience to his majesty, because he was not of their religion, contrary to the practice of the true church and churchmen, that undergo wars, *ferendo non feriendo*, with patience, not with strokes, their weapons being properly prayers and tears.

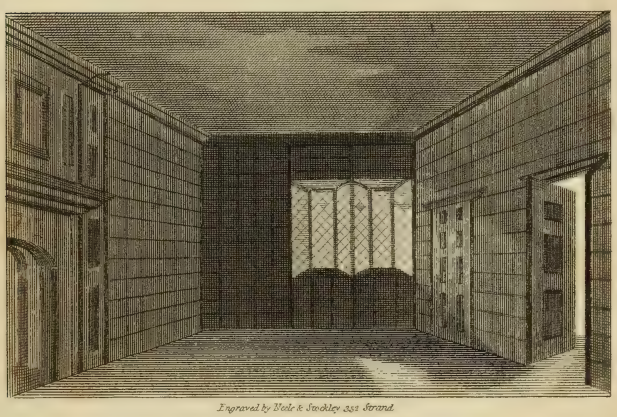
That on the 9th of June, 1603, broke out the treason by the romish priests, Wilson and Clerk, as also that of Raleigh and others; that the jesuits seeing the peace in great forwardness, and having also notice that the King of Spain disliked their proposals, they re-assumed their secret practices; and as for the bulls aforementioned, when Catesby had informed Garnet King James had been proclaimed, and the state settled, Garnet owned he himself burnt them; that these two, in March, 1603, conferring together, Catesby told the other, though most falsely, that the king had broke his promise with the catholics, and therefore there would certainly be commotions in England in a short time.

That Garnet, in January, in the first year of the king's reign, took out a general pardon under the great seal of England for all treasons, the king condescending to do this to all men, at his accession to the English throne, under the name of Henry Garnet of London, gent., and no other; but Catesby fearing lest any of those whom he should engage in the conspiracy should be pricked in conscience and make a discovery, required Garnet, as being superior of the jesuits, and therefore of great authority among them, to give him his opinion as to the lawfulness of the fact, that so he might satisfy others he might have to do with, and he stated the case thus; Whether for the good and promotion of the catholic cause, against heretics, the necessity of time and opportunity requiring it, it might be lawful or not, amongst many nocents, to destroy and take off some innocents also? to which Garnet answered, that if the advantage were greater to the catholic cause, by taking off some innocents, together with many nocents, then doubtless it might be lawful to kill and destroy them all; instancing, by way of comparison, in a city possessed by an enemy, wherein, at the taking of it, should there be some few friends, they must undergo the fortune of war in the general slaughter; and by this resolution of Garnet it was that Catesby kept up the traitors, and in March following he, with Thomas Winter and others, resolved upon the powder-plot; and Fawkes as being not known, and withal desperate and a soldier, was pitched upon to execute it, and so Winter, in April, fetched him out of Flanders; and in May, Catesby, Percy, John Wright, Thomas Winter, and Fawkes had a meeting, and took an oath of secrecy and constancy, to this effect:

"You shall swear by the blessed trinity, and by the sacrament you now purpose to receive, never to disclose, directly nor indirectly, by word or circumstance, the matter that shall be proposed to you to be kept secret, nor desist from the execution thereof, until the rest shall give you leave."

Then they were all confessed, had absolution, and received the sacrament by the hands of Gerrard, the jesuit, then present, and at

OUTSIDE OF CONSPIRATORS' ROOM AT CATESBY'S.



Engraved by Neale & Stockley 352 Strand.

INSIDE OF THE ROOM AT CATESBY'S IN WHICH PERCY, GUY FAUX &c MET.

Midsummer Catesby and Garnet talking about the powder-plot, they said it was so secret that it must prevail before it could be discovered; and then Garnet seeming desirous that the pope's consent might be obtained, Catesby answered, he took that as granted by the pope in the two bulls before-mentioned. The attorney here taking notice, that Thomas Bates was brought into the plot by his master Catesby, and confessed and encouraged to persevere therein by Greenwell, the jesuit; and that Robert Keyes was engaged about the same time in the design, he informed the court, that on the 11th of December they entered the mine, and in March following, 1605, Guy Fawkes was sent over to Sir John Stanley, with letters from Garnet to Baldwin the legier jesuit there, to see that the forces against the time the blow should be given, might be brought near the sea-side, to be wafted suddenly over into England; and there Fawkes, by the consent of the conspirators, gave Owen the oath of secrecy and perseverance, and then acquainted him with the whole treason, who greatly applauded it, and consented to promote it; that in May, 1605, broils happening among the roman catholics in Wales, Rookwood was then engaged into the plot by Catesby, and convinced of the lawfulness of it. Then it was that Garnet wrote to the pope, that he or *Aquaviva*, general of the jesuits, might command a stop to be made of all commotions in the kingdom by the romanists, they putting their whole stress upon the powder-plot, and to lull us thereby also into the deepest security; but when he further desired that might be enjoined upon censures, that was rejected, lest, indeed, it might be an impediment to the powder plot.

Greenwell, in June following, consulted with Garnet about the whole course of the plot; but the subtle jesuit said, he would not confer about it with any lay-man, except Catesby, because that might derogate from his character as superior, should he openly join with laymen in the business of so much blood; but with a priest, and particularly he would consult with Greenwell, the jesuit, about it, as in a disguised confession; and being informed that the discourse would be too long kneeling, he would do it in an ambulatory confession, and discoursed at large with him about the whole plot; and that a protector, when the blow was given, should be chosen out of such of the nobility as should be warned and reserved.

There was now also a great conference between Garnet, Catesby, and Tresham, about the strength of the English catholics, that the pope might be acquainted with it by Garnet, his holiness being unwilling to consent to any insurrection, until he was certainly informed they had a sufficient force; that in August following, Garnet, in a conference held about acquainting the pope with the powder-treason, named Sir Edward Baynam to go to carry the message to him, not as pope, but a temporal prince; and Garnet wrote a letter by him to that purpose, as also for prohibiting any commotions upon certain censures; he likewise wrote to Baldwin, the legier jesuit in Flanders, in the behalf of Catesby, that Owen should solicit the marquis for a regiment of horse for him the said

Catesby; not with any intent that Catesby should undertake any such charge, but that under colour thereof, horses and other necessaries might be provided to furnish the traitors without suspicion.

Parsons, the jesuit, in September, wrote to Garnet, to know the particulars of the project in hand; for the journey now to St. Winifrid's Well was but a blind, that they might be more retired, and have a better opportunity to confer together; and Garnet, in October, met the other traitors at Coughton in Warwickshire, the place of rendezvous, whither they resorted out of all countries, upon the 1st of November. He openly prayed for the good success of this great action, concerning the catholic cause, in the beginning of the parliament; and in his prayer he used two verses of a hymn, *Gentem auferte perfidam credentium de finibus, ut Christo laudes debitas persolvamus alacriter.* Now was the letter with the Lord Monteagle, on the 4th of November, and, by the providence of God, not many hours before the treason should have been executed, it was fully discovered.

On the 5th, being the day on which the conspirators expected their hellish devices should have taken effect, they met at Dunchurch, under pretence of a great hunting-match, appointed by Sir Everard Digby, as being a man of note thereabouts, designing to supply themselves with men for the intended insurrection and rebellion; and being full of imaginary assurances, thought they might easily surprize the person of the Lady Elizabeth, then in those parts, in the Lord Harrington's house.

Catesby and the other conspirators, on the 6th of November, early in the morning, dispatched Bates with a letter to Garnet, then at Coulton, near to them, earnestly pressing his assistance to raise the Welch, and, as much as possible, to foment an open rebellion; at which time Garnet and Greenwell, then together, perceiving the plot to be discovered, and knowing themselves to to be the chief authors of it, were much abashed; though Greenwell's fiery spirit urged him still into other overt-acts.

There was, he said, a double consequence of this treason, 1. Open rebellion, and afterwards blasphemy in Garnet; for, having liberty in the Tower to write, and sending a letter which was openly shewed in court before him, to an acquaintance in the Gate-House; there was nothing to be read in it but ordinary things, and some necessaries; but in the margin, which was very large, and underneath, he wrote several things with the juice of a lemon, to vindicate his innocence and hard usage; and denied those things which before he had freely and voluntarily confessed; saying, as to the Spanish treason, he was secured by the king's pardon; and, for the powder treason, he hoped, for want of proof against him, to get clear of it well enough, but concluding blasphemously, applied the words spoke of our saviour to himself, *Necesse est ut unus homo morietor pro populo;* it is necessary one man die for the people; and his prevarications and equivocations are the more conspicuous, since he truly and freely confessed his treasons before the commissioners;

being, as he owned, under his hand, overwhelmed *tanta nube testium*, and that at *faciendum populum*, in his letters he wrote abroad, he cleared himself of the powder-treason.

The circumstances concurring, were concerning the persons both offending and offended; as to the principal person offending there at the bar, he told them, as before, he was a man of many names, and they were seldom found to be good men; that he was an Englishman and a gentleman by birth, by education a scholar, afterwards a corrector of the common books, to Mr. Tottle the printer; that he had many gifts and endowments of nature, by art learned, and a good linguist, and by profession a jesuit and superior, as indeed he was superior to all his predecessors in devilish treason; a doctor of jesuits, that is, a doctor of five D.'s, a dissimulator, deposing of princes, disposing of kingdoms, daunting and deterring of subjects, and destruction; that their dissimulation appeared out of their doctrine of equivocation; that their dissimulation appeared in a treatise of equivocation, seen and allowed by Garnet and Blackwell, the arch-priest; wherein, under the pretence of the lawfulness of a mixed proposition, to express one part of a man's mind, and retain the other, people were indeed not only taught simple lying, but fearful and damnable blasphemy: and whereas the jesuits ask, why we would not convict and condemn them for heresy? it was because they would equivocate, and so could no way be tried or judged according to their words."

Here having made a digression concerning the antiquity of equivocation, and quoted a story of Arrius, more to shew the extent of his reading than any pertinency to the business in hand; we shall come to what he says upon this head, of Francis Tresham, one of the conspirators in this wicked design:—

"That drawing near his natural death in the Tower, his wife, in charity, was allowed to go to him, who, understanding that she had before directly and truly accused Garnet of the Spanish treason, she, lest it seems her husband should depart this life with a concern that he had discovered any thing concerning the superior of the jesuits, brought him, a very little before he died, to this point; that his own hand being so feeble that he could not write himself, he made his servant, then present, write what he dictated to him, and therein protested, upon his salvation, that he had not seen the said Garnet in sixteen years before, and thereupon prayed that his former confession to the contrary might, by no means, take place; and that this paper of retractation, which he had weakly and dyingly subscribed, might, after his death, be delivered to the Earl of Salisbury: whereas Garnet himself had clearly confessed the Spanish treason, and now acknowledged the same at the bar; and he and Mrs. Vaux, and others, directly confessed and said, that Garnet and Tresham had, within two years' space, been very often together, and also divers times before; but

Qualis vita finis ita: and Garnet himself, at the bar afterwards, being urged to say what he thought of the exit of Francis Tresham out of this life, answered only this, 'I think he intended to equivocate.'"

The next head he went upon, were the persons offended, and there he launched out into a large encomium of the king, according to the sentiments entertained of him in those times, saying:—

"He was a king of high and most noble and ancient descent; and, in himself, full of all imperial virtues, religion, justice, clemency, learning, wisdom, mercy, affability, and the rest; that the queen, in respect of her happy fruitfulness, was a great blessing, so that in that respect it might be said of her, that she was *ortu magno, viro major, sed maxima prole;* as having brought forth the greatest prince England ever had."

Lastly, he observed the wonderful providence of God in the admirable discovery of this superior of the jesuits to be a party in the treason.

"First, If we consider the means of secrecy used by him in conference only with Catesby of the laity. Secondly, That they had a deep oath given them, both for secrecy and perseverance. Thirdly, That they took the sacrament thereupon. Fourthly, That they were allowed and taught by the Jesuits to equivocate upon oath, salvation, or otherwise, and how then could it be discovered? Fifthly, Their secret intelligence was such, that it was impossible for the wit of man to find it out.

"It was not the least thing to be remarked, that this treason having so long ago been hatched, that the divine providence continually diverted the execution of it, by unexpected prorogations of the parliament, which begun the 19th of March, in the first year of the King's reign, and continued till the 7th of July following, before which time the conspirators could not be ready; from thence it was prorogued to the 7th of February, against which time they could not get their mine ready, there being no opportunity for them to dig there; for the commissioners of the union sat near the place, and the wall was thick; but the parliament being further prorogued to the 5th of November, they found another course, and altered the place from the mine to the cellar: once more to avoid the fatal blow, God put it into the King's head to prorogue the parliament, and to enlighten his understanding out of a mystical letter to point to the cellar, and command it to be searched; so that the discovery was miraculously made, even but a few hours before the design was to be executed."

The Attorney having concluded his speech with *qui cum Jesuitis, non itis cum Jesuitis*, and a text of scripture, the proofs were repeated for every particular

accusation, by the express and voluntary words of Garnet, and his accomplices, and of two credible witnesses sworn at the bar; and openly heard *viva voce*, and acknowledged by Garnet himself to be men without exception.

Garnet having now leave of the Court to make his defence, divided all that had been laid to his charge into four parts, containing matter of

1.—" Doctrine.
2.—" Recusants.
3.—" Jesuits in general."
4.—" Himself in particular."

As to doctrine, he fell upon two points; first, equivocation, to which he answered, " That their church condemned all lying, but especially in matters of religion and faith, that being the most pernicious lie of all others, and condemned by St. Augustin in the Priscillianists; nay, to lie on any account was reputed a sin; that, however, of eight degrees instanced by St. Augustin, the lowest indeed was to lie to procure good to some, without hurting any body; so that their equivocation was not to maintain lies, but to defend the use of some propositions; for, one might ask another a question that had no authority to do it, or interrogate him about a thing he had no right to know, as what a man thinks, &c. insomuch, that no man should equivocate when he ought to tell the truth, otherwise he might. So St. Augustin upon John said, that Christ denied he knew of the day of judgment, viz. with purpose to tell it to his disciples; and so St. Thomas and others, who treated of that matter, chiefly under the title of confession."

Secondly, as to the power of the Pope to depose princes, his answer was threefold. 1. That therein he proposed only and followed the doctrine of the church. 2. That that doctrine of the Pope's power, was by other Catholic princes tolerated without grievance. 3. That for his own part, he always made a distinction in the point of excommunicating and deposing of princes, between the condition and state of our king and others, who having some time been Catholics, did or should fall off. As for Simanca and other writers, whatever they said about deposing of heretics, that was to be understood of those princes who, having sometimes professed the faith of the church of Rome, afterwards made a defection from it."

Secondly, for recusants; first, he desired them not to impute any crime of his to the prejudice of the cause of religion. Secondly, as to their not going to church; whereas Mr. Attorney had urged, that the excommunication and bull of Pius Quintus was the cause of it, and that now they might go, the King being not excommunicated. His answer was, that the Arians and orthodox had the same service in their churches, yet assembled not together, and he knew several himself, that, before that bull, re-

fused to go to church in the Queen's time, though perhaps, most Catholics did go till about the end of the council of Trent, when this matter was debated by twelve learned men, and concluded unlawful; and this was occasioned because Calvin himself held it unlawful for a Protestant to be present, not only at their mass, wherein, perhaps, they might say there was idolatry, but not at our even-song, though the same as theirs. Thirdly, as to the Jesuits, he said if any were privy to such horrible treasons, it was impious, especially in men of their profession; but he added, that he had talked with some of them about it, and they denied it. Fourthly, as to himself, he owned that the negotiation in Spain was proposed to him; and he was also acquainted with that for money, but ever intended it should be applied to the relief of poor Catholics; but when they were there they moved for an army, which he, being informed of it, disapproved of, saying, it would be much disliked at Rome; only he must needs confess, he concealed it after the manner of Christ, who commanded us, when our brother offended, to reprove him, for if he amended we had cured him; yet he could not but confess, that the laws made against such concealments were very good and just; and that it was not fit the safety of a prince should depend upon any other man's conscience; so that he was easily persuaded, if they had yielded to him, it might have been well; but what their intent was, in insisting on an army, he was enjoined not to intermeddle with; nor with the money, which was to be sent for pensions, though it was to maintain the title of the King."

E. of Sal.—"To maintain whose title?"

Garnet.—"The title of the King of Spain."

E. of Nor.—"Why did you not oppose and forbid it, as you might have done, for *qui cum possit non prohibet, Jubet?*"

Garnet.—"He could not do it; and as for sending letters, and recommending some persons in them, he owned he did it often, as they were recommended to him, without knowing either their purposes, or some of their persons, for he never knew Mr. Wright, for whom he wrote."

Sal.—"I must now, Garnet, put you in mind, how little any of your answers can serve your purpose, when you endeavour to colour your correspondence with Baynham, by professing to write to Rome to get the conspiracies countermanded; and yet you say now when he set out for Rome, the blow must have been given before his arrival there, (such being your zeal and his haste for any prevention) that it was about the 20th of October when he passed by Florence."

Garnet.—"He made little answer to this, but going on with his defence about sending recommendatory letters; he owned he had written in favour of Fawkes, thinking he went to serve as a soldier, and knew not of any other design he had in hand; he did not particularly know what Sir Edmond Baynham or Catesby intended, except that Catesby asked him a general question about the lawfulness of destroying the innocent with the guilty, as had been objected against him; which at first, said he,

I thought had been an idle question, though afterwards I verily apprehended he designed something that was not good: whereupon having soon after received letters from Rome, prohibiting all insurrections intended by the Catholics, which might disturb the government, I informed Catesby of it, telling him, that if he proceeded against the Pope's will, he would not prevail; but that Catesby refused, saying, he would take no notice of the Pope's pleasure: nevertheless, he shewed Catesby the general letter he had received from Rome, but said, he would inform the Pope, and tell Garnet, in particular, what attempt he had in hand, if he would hear it; which he afterwards offered to do, but the other refused it, and at two several times requested him to let the Pope know what was his intention.

Again, that when Sir Edmond Baynham was to go into Flanders for a soldier, Garnet thought fit to send him to the Pope's nuncio, and to recommend him to other friends, that they should send him to inform the Pope of the distressed state of the Catholics in England; so that the Pope having a layman there, might be made acquainted with all their proceedings; and that Baynham might then know the Pope's sentiments about what the Catholics should do in England for their advantage; but he would not have Baynham, by any means, use his name to the nuncio upon that account."

Here two witnesses being called, and both of them persons of good reputation, who overheard the conference between Garnet and Hall the Jesuit, viz. Mr. Fauset, a learned gentleman, and a justice of the peace, and Mr. Lockerson; the first not being in court, was sent for, and the other in the mean time being sworn, deposed that they heard Garnet say to Hall, they will charge me with my prayer for the good success of the great action, in the beginning of the parliament, and the verses I added at the end of my prayer.

Gentem auferte perfidam
Credentium de finibus,
Ut Christo laudes debitas
Persolvamus alacriter.*

"It is true," said Garnet, "I prayed for the good success of that great action; but I will tell them, that I meant it in respect to some sharp laws, which I was afraid they would then make against the Catholics."

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* Remove the vile, perfidious men,
From where thy faithful people live,
That full of gladness we may, then,
To Christ his proper praises give.

Garnet.—"As for the two gentlemen who heard the conference, I will not charge them with perjury, because I know them to be honest men, yet I think they mistook some things; though, in the substantial part, I confess, I cannot deny their relation: and, for the main plot, I own I was made acquainted with it, particularly by Greenwell, and that he came perplexed unto me, to open somewhat which Catesby and divers others intended; to whom I said, I was content to hear what it was from him, but upon condition that he would not let Mr. Catesby, or any other person, know I was made privy to it; when Father Greenwell told me the whole conspiracy, in all its particulars, with which I protest I was much disturbed, and could never sleep quietly afterwards, but sometimes prayed to God it might not have effect.

Sal.—"You would do well to speak plainly of your devotion on that account, for otherwise I must put you in mind, that you confessed to the lords, you had offered sacrifice to God to prevent that plot, unless it was for the good of the Catholic cause; and this government was no other way beholden to you for your masses and oblations; adding, that he wondered why he wrote to his superior Aquaviva, as well about this powder-treason in particular, as to procure prohibitions for smaller matters."

Garnet.—"I was not to discover it to any body, because it was of point of secret confession, and would endanger the lives of several persons."

North.—"That matter of confession which before you refused to confess, because you would save lives, you confess now to endanger your own; and therefore your former answer was idle and frivolous."

Garnet.—"I commanded Greenwell to dissuade Catesby, which I thought he did; and if Catesby had come to me at Allhollowday, I think I could have so far managed him, that he would have been persuaded to desist."

Sal.—"Why did you refuse to hear Catesby tell you all the particulars, when he would have told you, if you had been desirous to prevent it?"

Garnet.—"After Greenwell had told me what Catesby intended, and when I called to mind what Catesby had said to me, at his first disclosing it to me in general terms, my soul was so troubled with abhorrence of the plot, that I was loth to hear any more of it."

Sal.—"Well then," said the Earl of Salisbury, "you see his heart;" and then turning to the lords commissioners, he desired leave of them to say something concerning the proceedings of the government in that grand affair, from the very beginning to that time; although the evidence had been so well opened by Mr. Attorney, he having never heard so much matter better compacted, or made more intelligible to the jury, to whom it was not his business to speak, nor his design to meddle with Mr. Garnet's divinity, or doctrine of equivocation, in which last he saw how he had played his master-piece; yet because he had been one of the committee of lords employed in the examinations, who, next to

God's glory, desired nothing more than to demonstrate to the world, with what sincerity and moderation his majesty's justice had been shewn upon all occasions; he would adventure to say somewhat of the manner of that arraignment, and of the place where it was appointed: For the first, seeing there was nothing to which the government might more attribute the infinite goodness and mercy of God, than to the protection of the true religion, which had groaned so long under the bitter persecution of men of Garnet's profession; he owned he thought himself much honoured to become an assistant among so many lords at the seat of justice, where God's cause should receive so much honour by discrediting the person of Garnet, on whom the common adversary thought fit to confer the usurpation of so eminent a jurisdiction; for otherwise, who knew not that the quality of poor Harry Garnet might have undergone a more ordinary form of trial, and perhaps in some other place of easy note and observation? and then taking occasion to declare, that the city of London was so dear to the king, and his majesty so desirous to give it all honour and consolation, that when this opportunity was put into his hands, whereby there might be made so visible an anatomy of popish doctrines, from whence those treasons had their source and support, he thought he could not choose a fitter stage than that city, which was not only termed the chamber of his empire, but was by him esteemed as his greatest and safest treasury, who accounted no riches comparable to his subjects' hearts; and acknowledged that such a compass never contained so many faithful subjects within its walls; a thing amongst others that he himself, upon the decease of the late queen, when attending most of the peers and privy-councillors of the kingdom, who were accompanied with no small number of noble and faithful gentlemen, had seen them all stopped from entering within the city gates, 'till they had publicly declared, with one voice, that they would live and die with the King our sovereign lord. To you, therefore, Mr. Garnet, I must address myself, as the man in whom it best appears what horrible treasons you have concealed under the mask of religion, which heretofore had been petty treason for a Protestant to have affirmed; such have been the iniquity of false tongues, that always sought to prove truth falsehood, of which impudent calumnies the government has been so tender, as you best know, Mr. Garnet: that since you were taken up, to this time, you have been used as christianly, courteously, and civilly as any of your quality or profession could be; yea, I may say, you have been well attended, in respect to your health, or otherwise, as a nurse-child, for the truth of which I appeal to yourself."

Garnet.—"It is most true, my lord; I own it."

Sal.—"Well, then, if your strange doctrine of equivocation is to be minded, and the hardness of your heart to deny every thing, we must not forget that your discourse with Hall, which was overheard by others, appears to be the finger of God; for by it the lords had some light and proof against you, which otherwise must have been discovered by violence and coercion, a usual practice

in other kingdoms, though now disused here; but it was better as it was, for the honour of the state; for so were your own words, that you thought it best to tell the truth at last, when you saw you were confounded, *tanta nube testium;* in which I protest and firmly assure myself, that you would as easily have confessed yourself to be the author of the whole, as the concealer, but that the King and my lords were content to draw every thing from you without the rack, or any torments. I pray you, Mr. Garnet, to tell me, what encouraged Catesby to proceed, but your resolution of the first proposition? what was it that excited Fawkes, but Catesby's explanation of Garnet's arguments, as appears plainly by Winter's confession and Fawkes's, that they knew Mr. Catesby had received satisfaction in the point, by the best authority."

Garnet.—"Mr. Catesby was to blame to name such application."

Sal.—"I must needs be bold with you, and remind you, how, after the interlocution between you and Hall, when you were brought before the lords, and asked not what you said, but whether Hall and you had any conference together, and were desired not to equivocate, how stifly you denied it upon your soul, repeating the same with so many horrid execrations, that it wounded their hearts to hear them; and yet Hall had no sooner confessed it, but you were ashamed, begged the lord's pardon, and said you had offended, as equivocation had not helped you?"

Garnet.—"When one is asked a question before a magistrate, he is not bound to answer before some witnesses are produced;" then falling to professions of his well-wishes to the King, and being put in mind of the answer he made concerning the excommunications of kings, wherein he referred himself to the canon of *Nos sanctorum;* he answered, "his majesty was not yet excommunicated."

Sal.—"Deal plainly, for now is the time, whether in case the Pope, *per Sententiam orthodoxam*, should excommunicate the King, his subjects were bound to continue their obedience?"

This he declined to answer, and desired, that "Whereas he confessed the receiving of two bulls from Rome in the queen's time, by which all catholics were forbid to adhere to any successor that was not obedient to the church of Rome; his majesty would be pleased to make a favourable interpretation of it, because he had shewed them but to a few catholics in England, in the queen's time; and that when he understood the pope had changed his mind, he burnt them."

To this it was answered, that it was likely the pope had changed his mind, when the king was safely possessed of the throne, and Garnet and his accomplices began to be sensible of their own impiety. Here Garnet began to use some expressions to extenuate his guilt; and said, that he did not consent to the powder-treason.

Sal.—" Mr. Garnet, give me but one argument that you were not consenting to it, that may satisfy any indifferent person, besides your bare negative ;" but he made no answer.

Attorney.—" As to the point of equivocation, they do, indeed, outwardly to the world condemn lying and perjury, seeing the contrary would render them odious to mankind ; but it is open lying and swearing, not secret and close lying and perjury ; and if they allow it not in others, they both warrant and defend it, at least in themselves and their confederates and associates, in treasonable practices ; especially when it serves their turns and wretched purposes. As to the usurped power of the Pope, in the deposing of princes, it is neither the general doctrine of the church, as he falsely said, nor allowed and tolerated by all princes, though of their religion, as appears from a discourse addressed to the French King, against re-admitting of the jesuitical faction ; and whereas he would curry favour in exempting our sovereign ; it is impossible to avoid their distinction of being excommunicated, *de jure* if not *de facto*, especially if that also be true, that the Pope *de facto*, once a year, curses all heretics. As for recusants declining to go to church, the comparison between the orthodox and the arrians, which last denied a principal article in the christian creed, no ways holds, neither could it be applied to us, who hold no such impious doctrines : for his saying he knew some before the bull came, who went not to church, it may be true, as to a few perverse spirits ; but whereas he cites the council of Trent, as if it had determined the matter, and infers that afterwards all Roman Catholics refused to meet us at church in prayer time, it is a gross falsehood ; for the last session of that council was in 1563, which was the 5th of Elizabeth ; whereas I have shewed, and can justfy and prove, that the English Roman Catholics came to our service 'till the 19th of her reign, being several years after that council determined.

" As to Garnet himself, that he knew the powder-treason by confession, 1st. It is to be observed, that Greenwell's was no sacramental confession, because the confitent was not penitent ; nay, he had plainly given it under his hand, that the treason was not imparted to him as a fault, but by way of consultation and advice. 2d. Greenwell did not tell of himself that he should execute it, but of Fawkes, Percy, Catesby, Winter, and others ; and, therefore, he ought to have discovered them, because they were not confidents. 3d. He might and ought to have discovered the villany, for the preservation of the state, though he had concealed the persons. 4th. Catesby told it him *extra Confessionem*, saying, they might as well turn him out, as to have kept him out. Lastly, He ought by the common law, the same being *Crimen læsæ Majestatis*, to have disclosed it—now whereas Garnet denies he was a principal author and promoter of this treason, and thus only that he had knowledge of it, the contrary is very manifest ; both out of his own confession, and apparent proofs of his resolving Catesby concerning the lawfulness and merit of it ; and that he prayed for the good success thereof, which is more than either consultation or consent ;

besides, he ought to remember that versicle, *Qui non prohibet quod prohibere potest, Consentire videtur.* He might have commanded Greenwell, who imparted the treason to him, to desist, but he did not; Greenwell went still on, and when it was disclosed, withdrew into the country to raise a rebellion, which certainly he never would have done, if Garnet had forbidden it; and, therefore, he might say with Tully

"Cui adsunt testimonia rerum, quid opus est verbis?"

Here Mr. Attorney added, how Garnet wrote to Thomas Winter, then to Kit Wright, afterwards to Guy Fawkes, then to Sir Edmond Baynham, and after that to Catesby to raise a regiment of horse; that Garnet was for the infanta, and by his bulls intended to exclude the King, except he should tolerate and swear to maintain the Romish religion. Then he came to the conference between the prisoner and Hall, and said, that in all their speeches they never named God, nor confessed their innocence; that Hall spoke first, and that then Garnet said, he suspected two, whose names they that were planted to overhear them could not hear, to have discovered something against them; but that it might be otherwise, saying, he was much subject to the frailty of suspicion. He said, he had received a note from Rookwood, that Greenwell and another were gone beyond the sea; that Gerrard was gone to father Parsons, and that Mrs. Anne, meaning Anne Vaux, was then in town; and much more of that kind.

Mr. Forset coming now into court, deposed, that their examinations, and the matters therein contained, were true, saying further, that both of them took notes of what they heard from Garnet and Hall, as near as possibly they could, and set down nothing in their examinations but what their notes and perfect memories agreed to; and that many material points, and of great moment, were left out of their examinations, because their notes and memories did not perfectly agree therein.

One of the letters was now produced in court, whereby it appeared, that Hall and Garnet had a conference, and here the attorney inferred, that the necessary end of justice was, *ut pœna ad paucos, metus ad omnes perveniat,* and read Garnet's examination, wherein he con-

fessed, that when Tesmond, alias Greenwell, gave him an account of the great blow that was to be given; and that he asked who should have the administration? Greenwell replied, "the lords who should be left alive should choose a protector."

The attorney having concluded with urging the writing of another letter to Sayer, alias Rookwood, a priest in the Gate-house, the Earl of Northampton made the following speech to the prisoners:—

"Though no man living can be more unwilling to add the least grain or scruple to any man's calamity than myself; yet, as the case now stands, Mr. Garnet, between our dread sovereign, *Ex cujus spiritu*, as one said of *Alexander*, *Nos omnes spiritum ducimus*, and you, who was so well content to let the conspiracy run on to the stopping of that breath before the time which God, by nature, prescribes between his honour and your error, his just proceedings and your painted shews, his sincerity and your hypocrisy; I could wish it possible that you might, in a person of some other quality, hear the echoes of your imperfect and weak answers, and so judge more indifferently of the true state of the cause than hitherto you have done.

"I confess, nobody in your condition gave less advantage in the whole course of the proceedings to us in commission to examine and try you, than you have done; sometimes by perjury, according to the confession of Hall, your companion; sometimes by dissimulation, as about the places of your rendezvous; by earnest expostulations, by artificial equivocation; sophisticating true substances, and adding false qualities; but yet there is enough to defeat your devices, and to defend his majesty, *Quia magna est veritas et prævalebit.*

"But now to weigh your answers about the plot: you cannot deny, Mr. Garnet, but that Greenwell's overture, as you say in confession, being made after the notice you took of Catesby's question about innocents, was the fruit of your own doctrine, the effect of your own instruction, and a conclusion wholly drawn from your own propositions and principles. Now when we press to know the reason of your concealing such a project, so pernicious to the king and kingdom, without discovering it either to the King himself, or his ministers, you fly to the cover of confession, which will not do in reference to Catesby's first discovery, according to your own words: I will not argue in this place, what course a confessor should take, or how far he ought to strain to save a prince's life, otherwise sure to perish by the hands of a base villain, because time will not allow it; but I am sure, confession, about a thing of less weight, and a crime of less importance than the life of a prince or state, received a deep wound above a thousand years past, in the church of Constantinople; for God forbid that things of such weight should hang by slender threads: but as to the case in hand, I am very doubtful whether this course of conference was a con-

fession, or not; seeing sometimes you kneeled, and sometimes walked up and down, and there was matter of conspiracy interlaced with matter of confession; not for ease of conscience by what appears, but for advice in executing, which excludes the shift of reference; and Greenwell must be found to lie to the Holy Ghost, in case this was a true confession, in promising, as you say, to dissuade the project, which it is plain he prosecuted to the last. I conclude, that the discovery was by confession, it was no supersedeas to your former knowledge of the plot from Catesby; what need we seek light through the cobweb lawns, when the whole drift of your design in concealing from one, what you learned from another, and from all, what you affected and abetted in your heart, evidently proves your counsels to have been carried on with such a reservedness of temper, that whatever mischief came to light, the world might rather admire your caution than commend your fidelity.

"You must, by giving such weak answers to so many demonstrations, either work by the Ring of Giges, to make your designs invisible, or have a mean opinion of our understandings, as if we should be put off with such sophistry; for though you pretended to have a wounded conscience upon the first discovery to you, to have lost your sleep through vexation of spirit, to have prayed to God for his preventing grace, and to have required Greenwell's assistance in crossing the design; yet you suffered the project to go on, assisted their endeavours, wrote earnestly to Baldwin and Creswell, to further the ordinary means; gave order for a prayer to be said by the Catholics for their prosperous success; ever had an ear open to the blow, and were in the same agony for the powder-plot, as Charles V. was for the Pope's imprisonment, ordering prayers to be said in all his dominions for his liberty, when, at the same time, he was his own prisoner. The least word of your mouth, or stroke of your pen, might have secured the King and government, though you pretend to have broke your sleep and brains; and your tenderness herein was of a piece with another dutiful desire of yours to dissuade Catesby from the plot, at his coming into Warwickshire; who never intended to go thither: but as to the rendezvous, when the parliament had been blown up, and the storm over, your mind, perhaps, was disquieted with considerations of strange events, so were Cain, Achitophel and Judas; the reason is, that seeing wickedness is cowardly and timorous, it gives evidence of condemnation against itself, but Satan prevailing, his angels execute.

"I have dwelt the longer upon this point, to let you know how idly and wilfully you strive against the divine Providence, and the justice of the land; the more you labour to get out of the wood, having once lost the right way, the further you creep in, for the wisdom of the world is folly with God; and it is impossible those courses should be either approved of in this world, or rewarded in the next, that are imbrued in blood, and pursued with tyranny. If then there is no other way to heaven, but by the destruction of God's anointed, and his heirs, I conclude with you, Mr. Garnet,

as Constantius did with Ascesius, '*Erigito tibi scalam et in cœlum solus ascendite,*' set up a ladder for yourself, and climb up to heaven alone, for loyal minds cannot suit with such bad company: the worst I wish to your person, standing now to be convicted at the bar, is remorse and repentance for the safety of your soul; and for the rest, *fiat justitia, curret lex, et vincet veritas.*"

Garnet.—"I have done more than I can excuse; I have dealt plainly with you, but I am bound to keep the secrets of confession, and to disclose nothing that I have heard in sacramental confession."

Not.—"If one confesses this day to you, that to-morrow morning he intends to kill the king with a dagger, must you conceal it?"

Garnet.—"I must conceal it."

Sal.—"I desire leave to ask you some questions concerning the nature of confessions."

Garnet.—"Your lordship may, and I will answer you as well as I can."

"*Sal.*—"Must there not be confession and contrition before the absolution?"

Garnet.—"Yes."

Sal.—"Was Greenwell absolved by you, or not?"

Garnet.—"He was."

Sal.—"What did Greenwell do to show that he was sorry for it, and whether he promised to desist?"

Garnet.—"Greenwell said he would do his best."

Sal.—"It could not be so: for, as soon as Catesby and Percy were in arms, Greenwell came to them from Garnet, and so went from them to Hall, at Mr. Abington's house, inviting them most earnestly to go and assist those gentlemen in the action; whereby it appears, that either Greenwell told you out of confession, and then there was no need of secrecy; or if in confession, he promised no repentance, and therefore you could not absolve him: this one circumstance must still be remembered, and you cannot get clear of it, that when Greenwell told you what Catesby meant in particular, you then also called to mind what Catesby had told you before in general; if you had not been desirous to have the plot succeed, you might have discovered it from the general knowledge you had of it from Catesby; but when he offered himself to impart the particulars to you, as he had done to Greenwell, you refused to hear him, lest your tongue should have betrayed your heart."

Garnet.—"I did what I could to dissuade it, and went into Warwickshire with design to dissuade Mr. Catesby from it, when he came down; and as for Greenwell's going to Father Hall to persuade him to join in it, he did very ill in so doing."

Sal.—"Your first answer is absurd, seeing you knew Catesby would not come down till the 6th of November, the day after the blow was to have been given, and you went into the country ten days before: as to the second, I am only glad that the world may now see, that jesuits are condemned by jesuits, and treasons and traitors laid naked by traitors themselves; yea jesuits, by that

jesuit who governs all of them here, and without whom none of them in England can do any thing."

"*Garnet.*—"I pray God and king that other Catholics may not fare the worse for my sake."

Sal.—"Mr. Garnet, is it not a lamentable thing, that if the pope, Claudius Aquaviva, or yourself, should command the poor Catholics to do any thing, they must obey, though to the endangering of body and soul? and if you maintain such doctrines among you, how can the king be safe? Is it not therefore time, that the king and government should be watchful of you, seeing you spend your time thus in his dominions?"

"*Garnet.*—"My lord, I would to God I had never known of the Powder-treason."

L. C. J.—"Garnet, you are superior of the jesuits, and if you forbid, must not the rest obey? Was not Greenwell half-an-hour with you at Sir Everard Digby's, when you talked of the discovery of your treason? Did you not there confer and debate the matters? Did you not send him to Hall at Abington's house, to excite him to go to the rebels and encourage them? Yet you seek to disguise all this, but it is a mere shift; and though you say no man living but one knew that you were privy to it, it is like some that are dead did. Catesby was never absent from you, as the gentlewoman, that kept your house, confessed; and you were, by many apparent proofs, and evident presumptions in every particular of this fact, directing and commanding the actors; nay, I think you were the chief mover of it."

Garnet.—"No, my lord, I was not."

L. C. J.—"You wrote letters to Winter, Fawkes, Baynham, and Catesby, the principal actors in this matchless treason, and kept the two bulls in prejudice to the king's title, and to do other mischiefs to the kingdom; but when you saw the king came in peaceably, being out of hope to do any good, you burnt them."

Here the attorney caused the confession of Hall, alias Oldcorn the jesuit, under his own hand, to be read against him, wherein he owned, that Humphrey Littleton informed him, that Catesby, and others, were much hurt with powder, and that he was exceeding sorry things took no better effect; upon which Hall desired him not to be cast down, and not to measure the cause by the event; for though the eleven tribes of Israel went twice, by God's command, against the tribe of Benjamin, yet they were overthrown both times; so Lewis, the French king, in his voyage to the Holy Land, was overthrown by the infidels, and his whole army defeated, though his cause was good: likewise the christians that defended Rhodes, lost the city, and the Turks prevailed; this he confessed, and applied to the case of Catesby, and the rest of the plotters, saying it would

have been commendable if it had succeeded, though not before.

Then Mr. Attorney set out, how Francis Tresham, a popish delinquent, in the very article of death, a fearful thing, took it upon his salvation, that he had not seen Garnet in sixteen years; when Garnet himself confessed he had seen him often within that time; and likewise that Garnet knew nothing of the Spanish invasion, which he himself also confessed; both which things Tresham himself had formerly owned to the lords: yet, to recant these two things on his death-bed, he commanded Vavasor, his man, to write a letter to the Earl of Salisbury; and, to prove this, the letter was offered to be read.

But, before it was read, my Lord Salisbury said,

"That because his name was mentioned, he thought fit to speak to the matter; his desire was truly to lay open what reason there was of giving any credit to these men's protestations, when to colour their own impieties, and to scandalize the king's justice, they go about to excuse all jesuits, from an opinion that it is meritorious so to do, at such a time that they had no hope in themselves: such, it is to be feared, were Sir Everard Digby's protestations at the bar, who endeavoured to clear all the jesuits of all those evil practices, which they themselves now confessed, with their own mouths: such also was Tresham's intention, who falling sick when his wife was suffered to visit him, in this letter signed by himself, a few hours before his death, wherein he took that upon his salvation, which shall now be disproved by Garnet."

Here the letter was read, containing in substance, that whereas since the king came, he had had his pardon; and that to satisfy the lords who had examined him, he had accused Garnet; that now being weak he desired his former examinations might be called in, and set down, upon his salvation, that he had not seen Garnet in sixteen years before.

Sal.—"It was a lamentable thing; for within three hours after he died. Pray, Mr. Garnet, what interpretation do you make of this testamental protestation?"

Garnet.—"It may be, my lord, he meant to equivocate."

Here the examination and confession of Mrs. Anne Vaux was offered to be read, to confirm Tresham's perjury; she said she had seen Mr. Tresham with Mr. Garnet at her house three or four times, since the king's coming in, and several times before; and that he had

dined with him; and that Garnet always gave him good counsel, and would say sometimes to him and others, "Good gentlemen, be quiet; for we must obtain that which you desire by prayer." She confessed, also, that they were at Erith together the last summer.

After all this, Garnet being asked if these depositions were true? He said they were; and then his own examinations were likewise read to the same effect; wherein he confessed both the seeing of Tresham, and his sending into Spain about an invasion.

Sal.—"That which was said of Tresham and others was not done uncharitably of the dead, but upon an inevitable necessity to prevent false practices and reports; for the rumour of Bates's recantations of his accusing Greenwell passed current through the town, which are strange and grievous practices to think on; but this day shall witness to the world, that all is false, and yourself condemned, not by any but yourself, your own confessions and actions. Alas! Mr. Garnet, why should we be troubled all this day with you, poor man, were it not to make the cause appear as it deserves? Wherein God grant you may be such an example, as to be the last actor in this kind."

Not.—"You have done more good this day in that pulpit wherein you stand, (for the place where he stood was made like a pulpit) than you have done all your days in any other pulpit."

Then was another examination of Mrs. Anne Vaux read, wherein she confessed, that Mr. Garnet and she were, not long since, with Mr. Tresham, at his house, in Northamptonshire, and staid there.

Sal.—"Mr. Garnet, if you have not yet done, I am to let you know, that it was the king's command, that whatever made for you, or against you, should all be read, and so it is, and we hear every thing you say. This gentlewoman, who seems to speak for you in her confessions, I think would sacrifice herself for you to do you good, and you likewise for her; therefore, Mr. Garnet, whatever you have to say, say on in God's name, and you shall be heard."

Garnet.—"I desire the jury will allow of and believe those things I have denied, and not give credit to those for which there is no direct proof against me, nor condemn me upon circumstances or presumptions."

Sal.—"Mr. Garnet, is this all you have to say? If it be not, take your time, no man shall interrupt you."

Garnet.—"Yes, my lord."

Attorney.—"I humbly desire all of you, the lords commissioners, that if I have forgot any thing material, your lordships would be pleased to put me in mind of it."

Sal.—"Mr. Attorney, I do assure you, you have done very well, painfully and learnedly."

Then Mr. Attorney desired the jury might withdraw; which they did accordingly, and returning within less than a quarter of an hour, found Henry Garnet guilty.

We should have been very glad to have been able to give the names and qualities of the jury, because a defender of Garnet, after his decease, accused them of being incompetent; and perhaps he would indeed have been tried *per pares*, a jury of Jesuits, who, if summoned, would scarce have appeared in that place: but, to confront that author; we learn, on the authority of a good writer, that Sir Baptist Hicks, afterwards Viscount Camden, was foreman, and that the rest of them consisted of knights, esquires, and citizens, whose integrities and abilities were unexceptionable.

Serjeant Crooke.—"I pray for judgment against the prisoner."

Then Mr. Waterhouse, clerk of the crown, demanding what he could say for himself why judgment should not be given against him.

Garnet.—"I can say nothing, but refer myself to the mercy of the king and God Almighty."

Here the lord-chief-justice having summed up all the proofs and presumptions of his guilt, gave judgment he should be drawn, hanged and quartered.

Sal.—"Garnet, would you say any thing else?"

Garnet.—"No, my lord, but I humbly desire all your lordships to commend my life to the king's majesty; saying, that at his pleasure he was ready either to live or die, and do him service."

May 3, 1606, being the day appointed for the execution of Mr. Garnet, there was a scaffold set up on purpose at the west-end of St. Paul's. Upon his mounting he seemed to be much amazed; the deans of St. Paul and Westminster being present, they in a grave and christian manner exhorted him to place a true and lively faith in God, a freely and plainly acknowledgement of his offence to the world; and, if he knew of any further treason, to discharge his conscience, and shew his sorrow and detestation of it; but Garnet, not pleased to be exhorted by them, desired them not to trouble him, for he came prepared and was resolved. Then the recorder of London, appointed by the King to be there, asked the malefactor if he had any thing to say

to the people before he died; that it was no time to dissemble, his treasons were manifest; therefore, if he was willing to let the world see the thoughts he had of himself and his actions, he might freely do it; but he said his voice was slow, his strength gone, and the people could not hear him; but to those about him on the scaffold he said, "The intention was wicked, and the fact would have been cruel, and he should have abhorred it from his soul, if it had taken effect; but," he said, "he only had a general knowledge of it by Catesby, and had offended for not discovering it, and using means to prevent it. What he knew in particular was in confession; but the recorder put him in mind, that the King had the four points following under his hand, 1. That Greenwell told him of it, not as a fault, but a thing he had intelligence of, and by way of consultation. 2. That Catesby and Greenwell came together to be resolved. 3. That Tesmond and he had conference about the particulars of the plot in Essex long after. 4. That Greenwell had asked him, who should be protector? But Garnet said, that was to be deferred till the blow was past. That these proved his privity, besides confession, and were under his hand: he answered, whatever was under his hand was true; and because he did not discover them to the king, he confessed he was justly condemned, and asked forgiveness of him.

Then the recorder leading him to the scaffold to make his confession in public, Garnet said, "Good countrymen, I am come hither this day of the invention of the Holy Cross, to end all my crosses in this life: You know the cause of my sufferings; I confess I have offended the king, and am sorry for it, so far as I was guilty by concealing it; and for that I ask pardon of the king. The treason intended against the king and state was bloody; I myself should have detested it, had it taken effect, and I am heartily sorry any catholics ever had so cruel a design." Then turning himself to those about him, he said, "Mrs. Vaux had been much wronged by common fame; that it was suspected and said, he should be married to her, or worse; but he protested the contrary, saying, she is a virtuous gentle-

woman, and for me a perfect pure virgin. As for the bulls, Baynham's going beyond sea, and the powder-treason, he referred to his arraignment and confession; for whatever was under his hand in any of his confessions, he said, was true."

Then preparing for death, he kneeled at the foot of the ladder, and asked, if he might have time to pray, and how long? It was answered, he should limit himself, none should interrupt him. During the time of his prayers, he often broke off, turned and looked about him, and answered to what he overheard while he seemed to be praying.

When he stood up, the recorder finding by his behaviour some expectation of a pardon, wished him not to deceive himself, for he was come to die and must die; requiring him not to equivocate with his last breath, if he knew any thing that might be dangerous to the king or state, he ought then to reveal it. Garnet said, "It was no time now to equivocate, how and when it was lawful, he had shewn his mind elsewhere; but," said he, "I do not now equivocate, and more than I have confessed, I do not know." At his going up the ladder he desired to have warning before he was turned off, but he was told "he must look for no other turn than death." Being upon the gibbet, he used these words, "I commend me to all good catholics, and I pray God to preserve the king, queen, and all their posterity, and my lords of the privy-council, to whom I give my humble duty, and I am sorry I did dissemble with them; but I did not think they had such proof against me, 'till it was shown me; but when it was proved, I thought it more honourable at that time to confess, than before: and, for my brother Greenwell, I wish the truth were known, for the false reports that fly about make him more criminal than he is: I should not have charged him, but that I thought he had been safe. I pray God the catholics may not fare the worse for my sake. I earnestly exhort them all never to enter into any treasons, rebellions, and insurrections against the king." Then falling to his prayers, and crossing himself, he said, "*In Nomine Patris et Filii et Spiritus Sancti*," and prayed "*Maria Mater*

Gratiæ, Maria Mater miserecordiæ; tu me a malo protege, et hora mortis suscipe:" then "*In manus tuas Domine commendo spiritum meum:*" again, "*Per crucis hoc signum,*" crossing himself, "*Fugiat procul omne Malignum: Infige crucem tuam in Corde meo, Domine.*" Let me always remember the cross; and so returning again to *Maria Mater Gratiæ*, he was turned off, and hung till he was dead.

ROBERT CARR, EARL OF SOMERSET, AND LADY FRANCES, HIS WIFE, COUNTESS OF SOMERSET,

FOR THE POISONING AND MURDER OF SIR THOMAS OVERBURY, IN THE TOWER OF LONDON, ANN. 1614.

Robert Carr, or Kerr, was a gentleman of an ancient family in Scotland. His first preferment was being made page to King James I., of Great Britain; after which he was created Knight of the Bath, and, in the 9th of that king's reign, Viscount Rochester, and Baron Carr of Branspeth, in the bishopric of Durham; about which time, also, he was constituted Treasurer of Scotland; and, being a great favourite, in the 11th of the same king, was created Earl of Somerset, and so on to Lord Chamberlain of the Household, a Privy-Counsellor, and Knight of the Garter. But as his rise was very quick, his fall was as remarkable; for, being in love with Frances, daughter to the Earl of Suffolk, and wife to Robert, Earl of Essex, (from whom she was divorced by a sentence of nullity;) he was strongly dissuaded from marrying her by Sir Thomas Overbury, there being between them, at that time, the greatest friendship and familiarity. The earl, though he did not take this cordially, yet there was no breach between Sir Thomas and him till he discovered it to his wife; and, happy had it been for all the parties, if the earl had for ever buried it in oblivion; but this enraging the lady against Sir Thomas, she endeavoured, by all means, to ruin him, which at length was thus wickedly accomplished.

Overbury being appointed ambassador into Russia, the earl, whose advice he asked, persuaded him by all means to refuse the office; which he supposing to be done in kindness, complied with; but his refusal was politically made use of by the earl and countess, as a handle to have him committed to the Tower. The lady having got him where she desired, wrought so upon Sir Gervase Elways, Lieutenant of the Tower, as to admit one Weston, upon her recommendation, to be his keeper, by whom poison was administered to him in his meals; but this not taking effect, Mrs. Turner, the preparer of all, procured an apothecary's boy to give him a poisoned clyster, which soon brought the unhappy gentleman to his end.

In the year 1615, George Villiers, afterwards Duke of Buckingham, mounting as fast into the king's favour as Somerset declined, this last was charged with embezzelling the jewels of the crown, for which, nevertheless, he got his pardon; but, about this time, Overbury's death began to ring in the open streets, for the apothecary's boy falling sick at Flushing, revealed, as the accounts then went, the whole to Sir Ralph Winwood, secretary-of-state; who informing the king of it, Turner, Franklin, Weston, and Sir Gervaise Elways, were tried, and suffered death for it: and last of all came the earl and countess upon the stage, for being accessary to this execrable work, and the countess being first to be tried, she was arraigned on Friday, May 24, 1616.

The form of the council's letter, for summoning each of the peers to the trial, here follows:—

"After our hearty commendations to your lordship: whereas, the king's majesty has resolved, that the Earl of Somerset, and the countess his wife, lately indicted of felony, for the murder and poisoning of Sir Thomas Overbury, then his majesty's prisoner in the Tower, shall now receive their lawful and public trial, by their peers, immediately after the end of this present Easter term. At the trial of which noble personages your lordship's presence, as being a peer of the realm, and one of approved wisdom and integrity, is requisite to pass upon them. These are to let your lordship understand, that his majesty's pleasure is, and commandeth by these our letters, that your lordship make your repair to the city of London, by the eleventh day of the month of May following, being some few days

before the intended trial, at which time your lordship shall understand more of his majesty's pleasure; so not doubting of your lordship's care to observe his majesty's directions, we commit you to God.

Your lordship's very loving friends.

From Whitehall, this 24th of April, 1616.

The names of the peers.

The Earl of Worcester, Lord Privy-seal.
The Earl of Pembroke, Lord Chamberlain.
The Earl of Rutland.
The Earl of Sussex.
The Earl of Montgomery.
The Earl of Hertford.
Viscount Lisle.
Lord Zouch, Warden of the Cinque Ports.
Lord Willoughby, of Eresby.
Lord Delaware.
Lord Dacres, of the south.
Lord Mounteagle, but he being sick went away before judgment.
Lord Wentworth.
Lord Rich.
Lord Willoughby, of Parham.
Lord Hunsdon.
Lord Russel, the second day, was not there, being sick of a fever.
Lord Compton
Lord Norrice.
Lord Gerrard.
Lord Cavendish.
Lord Dormer.
Thomas Lord Ellesmere, chancellor of England, Lord High-Steward.

His assistants in the commission there present.

Sir Edward Coke, Lord-Chief-Justice of England.
Sir Henry Hubbart, Lord-Chief-Justice of the Common-Pleas.
Sir Lawrence Tanfield, Lord-Chief-Baron of the Echequer.
Judge Altham, one of the Barons of the Exchequer.
Judge Crooke, one of the Judges of the King's-Bench.
Judge Dodridge, one of the Judges of the King's-Bench.
Judge Haughton, one of the Judges of the King's-Bench.
Judge Nicholls, one of the Judges of the Common-Pleas.

The council that were there the first day.

Sir Francis Bacon, the King's Attorney-General.
Serjeant Montague.
Serjeant Crew.

The above three only spoke.

Sir Henry Yelverton, the King's Solicitor.
Francis More, the Queen's Serjeant.
Sir Lawrence Hyde, the Queen's Attorney.
Mosley, Attorney of the Duchy.
Sir John Davis, the King's Serjeant.
Mr. Walter, the Prince's Attorney.
Mr. Finch, Keeper of the Records of Attainders.

More the second day.

Serjeant Thomas More.
Serjeant Finch.

The peers above-named were all that appeared at any time at the trial, but we find there were six others summoned, but why they absented themselves we know not; and those were,

The Duke of Lenox, Lord Steward of the Household.	Lord Eure.
Earl of Huntington.	Lord Hunsdon.
Lord Darcy, of Menell.	Lord Darcy, of Chich.

When the lord-chancellor, who for this time was High-Steward of England, came into the court, the prisoner was put to the bar; she was dressed in black tammel, a cipress chaperon, a cobweb lawn ruff and cuffs.

Lord High-Steward.—"My lords, the reason that you are called hither this day, is to sit as peers of Frances, Countess of Somerset."

Mr. Fanshaw, Clerk of the Crown.—"Frances, Countess of Somerset, hold up thy hand."

She did so; and he read the indictment, containing Weston's account of the poisoning of Sir Thomas Overbury, and her abetting of him, the 8th of May, 1613.

The Countess of Somerset, all the while the Indictment was reading, stood pale, trembling and shedding a few tears; and, at the first naming of Weston in the indictment, put her fan before her face, and there held it half covered till the indictment was read.

Fanshaw.—"Frances, Countess of Somerset, what sayest thou? Art thou guilty of this felony and murder, or not guilty?"

The lady Somerset, making an obeisance to the lord high-steward, answered *Guilty;* in a low faint voice.

The lady, upon her arraignment, having pleaded guilty, the proceeding after was thus:

The Attorney's speech.

"May it please your grace, my Lord High-Steward of England, I am glad to hear this lady's so free acknowledgment, for confession is noble. Those that have been formerly indicted, at their arraignment, persisted in denial, as Weston, Elvas, Franklin, and Turner; but you see this lady's humility and repentance, by so pleading; and certainly she cannot but be a spectacle of much commiseration, if you either respect her sex, or her parentage, but this day and to-morrow is to crown justice; the mercy-seat is the inner part of the temple, the throne public, and

therefore I should now only pray a record of the confession and judgment; but since the peers are met, for honour's sake it is good to declare the king's justice. No noble blood hath yet been spilt since his majesty's reign. But his being the best master in the world hinders him not from being the best king; he is lieutenant to him that is no respecter of persons. Overbury died poisoned the 15th of September, 1613, in the Tower of London; he was no sooner dead, but there was a certain rumour and muttering that he came strangely to his death: and in that time, on the contrary hand, there was another rumour, that he died of a foul disease, so foul a one as is not fit for me to name. But for two years after this, though Overbury's blood cried for revenge, *Vox Dei* was not heard, *gloria Dei celare, regis perscrutare rem.* It is the glory of God to conceal a thing, of a king to find it out; all the while God so dazzled the eyes of these two great procurers, and their instruments, that the first looked not about them, the other fled not. About the beginning of the last progress it first broke forth, and as all murders are strange in their discovery, so this was miraculous. My Lord of Shrewsbury, who is now with God, commended Sir Gervais Elvas to a councillor of state: the councillor answered, that he took it for a favour from him, but withal added, there lay a heavy imputation on Elvas, about Overbury's death; and he could wish he would clear himself, and give some satisfaction in the point. This my Lord Shrewsbury related back, and presently Elvas was struck with it, and made a kind of discovery, that some attempts were undertaken against Overbury, but took no effect as checked by him. Though the truth be, he lacked rather fortitude in the repulse, than honesty. Lord Shrewsbury weighing well this narration from Elvas, acquainted the king with the adventure, who commanded presently that Elvas should set down his knowledge in writing, which accordingly he did; but still reserving himself within his own compass, and endeavouring rather to discover others than accuse himself. The king, determined to search the truth of this business, gave directions for the examination of it, to certain councillors; they extracted something out of Weston, then the further enquiry we delivered over to Lord Coke, who in this cause was very industrious; and took two or three hundred examinations, but when he found it might touch upon greater persons, he desired some others might be joined with him, which was accordingly granted; namely, the lord-chancellor, lord-steward, and Lord Zouch. But then there were no practices left untried, for the suppression of the discovery; Weston was solicited to stand mute, but at last this dumb devil was cast out. Then followed Elvas, Turner, Franklin, all of which were actors in this tragedy, but no authors. Now when this lady comes to her part, she meets justice in the way, by confession, which is the corner-stone either of mercy or judgment; yet, it is said, that mercy and truth be met together. Truth you have in her confession, and that may be a degree to mercy, which we must leave to him in whose power it resides, in the

mean time this day must be reserved for judgment. Now to conclude, and give you an account of the repeated procrastinations in this business; the first was due to humanity, her child-birth; the second was for reason of state; and the last had a grave and weighty cause. Those directions the king at the first gave, written with his own hand, for the examination of this business, I desire may be read."

The king's instructions read:

"There are two things in this cause to be tried, and the verity can be but in one of them, first, whether my Lord of Somerset and my lady were the procurers of Overbury's death, or that this imputation hath been by some practiced to cast an aspersion upon them. I would first have you diligently inquire of the first, and if you find them clear, then I would have you as carefully look after the other, to the intent such practices may be discovered, and not suffered to pass with impunity."

Attorney.—"There are other directions in these instructions, by way of interrogatories, that are not now necessary to be read."

Lord-High-Steward.—"Let the lords the peers view these directions from the king."

Lord Coke.—"None of these interrogatories, which the king desired there should be examinations upon, came away empty; and whatsoever whisperings there are abroad, of the death of Weston, they all (some before the hour of their death) confessed the fact, and died penitent; and, if need should require, I can produce their confessor, namely, Dr. Whiting."

Lord-High-Steward.—"My lords, you see and have heard those directions, under the king's hand; give the glory to God and honour to the king."

Attorney.—"May it please your grace, &c. whereas, Frances, Countess of Somerset, hath been indicted as accessary, before the fact, to the wilful poisoning and murder of Sir Thomas Overbury; upon her indictment she hath been arraigned, upon her arraignment pleaded guilty; I desire that her confession may be recorded, and judgment passed against the prisoner."

Fanshaw.—"Frances, Countess of Somerset, hold up thine hand: whereas thou hast been indicted, arraigned, and hast pleaded guilty, as accessary before the fact, of the wilful poisoning and murder of Sir Thomas Overbury; what canst thou now say for thyself, why judgment of death should not be pronounced against thee?"

Lady Somerset.—"I can much aggravate, but nothing extenuate my fault; I desire mercy, and that the lords will intercede for me to the king." (*This she spoke humbly, fearfully, and so low, the lord-steward could not hear it, but Mr. Attorney related it.*)

Attorney.—"The lady is so touched with remorse for her fault, that grief prevents her from expressing herself; but that which she hath confusedly said, is to this effect, that she cannot excuse herself, but desires mercy."

Sir Richard Coningsby, sitting before the lord-high-steward, rose, and, upon his knee, delivered him the white staff.

Lord-High-Steward.—"Frances, Countess of Somerset, whereas thou hast been indicted, arraigned, and hast pleaded guilty, and hast nothing to say for thyself; it is now my part to pronounce judgment: Only thus much before; since my lords have heard with what humility and grief you have confessed the fact, I do not doubt they will signify so much to the king, and mediate for his grace towards you; but, in the mean time, according to the law, the sentence must be this, that thou shalt be carried from hence to the Tower of London, and from thence to the place of execution, where you are to be hanged by the neck till you be dead, and the Lord have mercy upon your soul."

ROBERT CARR, EARL OF SOMERSET,

ARRAIGNED ON SATURDAY, MAY 25, 1616.

Lord Somerset was dressed in a plain black satin suit, his visage was pale, his beard long, and his eyes were sunk in his head: whilst his indictment was reading, he three or four times whispered to the lieutenant.

Fanshaw.—"Robert, Earl of Somerset, what sayest thou, art thou guilty of this felony and murder whereof thou standest indicted, or not guilty?"

Lord Somerset, making an obeisance to the lord-high-steward, nswered *not guilty.*

Fanshaw.—"How wilt thou be tried?"

Lord Somerset.—"By God and the country; but presently recalling himself, said, by God and my peers."

Serj. Cryer.—"O yes, all you that are to give evidence against Robert, Earl of Somerset, who stands now at the bar upon his deliverance; make your appearance, and what you have to say against him shall be heard."

Lord Somerset, upon his arraignment, having pleaded not guilty, the proceeding after was thus:

Lord High-Steward.—"Robert, Earl of Somerset, you have been arraigned, and pleaded not guilty; now I must tell you, to say boldly whatsoever you have to say in your defence, and though it be not the ordinary custom, you shall have pen and ink to help your memory; but remember, that God is the God of

truth; a fault defended is a double crime; hide not the verity, nor affirm not an untruth; for, to deny that which is true, increases the offence; take heed lest your wilfulness cause the gates of mercy to be shut upon you. Now for you, my lords the peers, you are to give diligent attention to that which shall be said; and you must not rest alone upon one piece of evidence, but ground your judgment upon the whole. This, moreover, I would have you remember, that though you be not sworn, as common juries, upon a book, yet that you are bound in as great a bond—your own honour and fidelity, and allegiance to the king; and thus I leave the whole proceeding to your censures; and for you that be of the king's council, free your discourse from all partiality, but let truth prevail, and endeavour to make it appear."

Serj. Mount.—" My lord-high-steward of England, and you, my lords, this cannot be but a heavy spectacle unto you, to see the man who not long since in great place, with a white staff in his hand, went before the king, now at this bar hold up his hand for blood; but this is the change of fortune; nay, I might better say, the hand of God, and work of justice, which is the king's honour. But now to the fact, Robert, Earl of Somerset, stands indicted as accessary before the fact of the wilful murder and poisoning of Sir Thomas Overbury, done by Weston, but procured by him; this, my lord, is your charge. The indictment hath been found by men of good quality, seventeen knights and esquires of the best rank and reputation, some of whose names I will be bold to read unto you, Sir Thomas Fowler, Sir William Slingsby, and fifteen more; these have returned *billa vera.* Now an indictment is but an accusation of record in form thus; Weston, at four several times, gave Overbury four several poisons, the first poison administered, May the 9th, 1613, was rosseclere; the second, on the 8th of June following, was arsenic; the third, on July the 10th following, was mercury sublimate, in tarts; the fourth, on September the 14th following, was mercury sublimate in a clyster, given by Weston and an apothecary, yet unknown, and that killed him. Of these four several poisons, ministered by Weston, and procured by you, the 15th of September, 1615, Overbury died, and the author is ever worse than the actor. The first poison laid in the indictment, that Weston gave Sir Thomas Overbury, was on the 9th of May; and, therefore, we say, that the Lord of Somerset, the 8th of May, hired, counselled, and abetted Weston to this fact; and, as King David was charged in a like case, for the murder of Uriah; and, though David was under his pavilion, and Uriah in the army, yet David was the cause of his murder; so, though my Lord Somerset was in the king's chamber, and Overbury in the Tower, yet was it Somerset that killed him. The proof, Mr. Attorney, will follow; and I will now conclude with two desires to the peers, first, that they will not expect visible proofs in a work of darkness. The second is, that whereas, in an indictment, there be many things laid only for form, you are not to look that the proof should follow that, but only that which is substantial; and the substance must be this, whether my

Lord of Somerset procured or caused the poisoning of Sir Thomas Overbury or no."

Lord-High-Steward.—" That, indeed, my lords, is what you are to look after, whether my Lord of Somerset was the cause of his poisoning or not."

Lord Coke.—" This was very well moved by Mr. Recorder, and the law is clear in this point, that the proof must follow the substance, not the form."

The judges all rising, affirmed this to be true.

Attorney.—" This, my lords, is certain, the law gives form in indictments, but only substance in proof. I know my lord-high-steward, and you my lords the peers, that you cannot behold this lord at the bar, without the remembrance of his former greatness, yet a peer amongst you; and, therefore, I know you will be very tender in the cutting him off from your number, without good evidence. We, my lords, that are to speak against him, have been commanded by the king to use no invectives, but to give in pertinent evidence. I think we should have done so of ourselves; yet we cannot but be glad of so good a warrant; we will, therefore, carry the proof upright against all evasions; the evidence will bear itself. That which I am now to speak I will divide into four parts: the first shall be the greatness of his crime. The second shall be what proofs I hold to be competent in this case. Thirdly, I will state and sum up the proofs. And fourthly, I will produce oaths or writings confessed. For the first, of all kinds of felonies this is the greatest, and that I will urge thus; first, it is murder; the first record of justice we ever read of in the Bible, was a sentence upon murder; and, though Cain was not punished by death, in respect of the primogeniture, or some other secret causes which God reserved to himself, yet he was judged. Although Joab's sentence for the murder of Abner was respited, yet it was not forgot; no sanctuary could relieve him, he was taken from the horns of the altar. In the second table the first forbidding commandment is, " Thou shalt not murder;" and some of the most learned rabbins have referred that commandment, where the obedience of parents is expressed, to the first table: so then this is the first or the second. My second aggravation is, that this murder is by poison; this is a foreign practice, fit for Rome and her doctrine. It hath two or three attributes, first, it is fierce, it takes a man suddenly in God's peace and the king's, when he thinks least of it. Secondly, it is easily done and concealed, hardly prevented or discovered; princes have their guard about them, to withstand any force or violence, and gentlemen their servants, for that never comes but with a noise; whereas, on the contrary, there are number of poisons that will neither distaste nor discolour that they be put into. Thirdly, it takes not away the party maliced, or meant alone; it is like an arrow shot that hath no aim; and if facts of this kind were not met withal by condign punishment, what society would there be among men,

In the 22d of King Henry the Eighth, a poisoner aiming at one man, poisoned a dish of balm, at which time there was a feast at the Bishop of Rochester's; this balm was used unwittingly by the cook in broths and boiled meats; sixteen at the table were poisoned with it; nay, it went as far as the alms-basket, and some poor died of it. Well, this year, poisoning was esteemed so great an offence, that a statute was made to make it high-treason. My third aggravation is, that it was against the king's prisoner in the Tower, where the king and state were, in a manner, bound to answer for him; and, my lords, 'till now there hath been no murder in that place, since the nephews of King Richard the Third were there murdered, by his command. My second several division is, what proofs I hold to be competent in this case; my lords, you are not to enquire of the actual impoisoning, but the procuring and facilitating of it; and that is to be an abettor before the fact, if any middle course be used to the intent such a murder may be effected, if afterwards it be done; for example, there be three that conspire to rob a man, one sends a letter to him upon some pretended business to draw him such a way. The second, fearing he may carry some company with him, he useth some means to divert him from that, and proffers to go with him himself, and holds him in discourse until the third man comes upon him and doth the fact; certainly all these three are equally guilty. It is not he only that slips the dog, but he that lays the wile that kills the deer; but these things, my lords, be so perspicuously true, that I will not dilate. My third division was, my stating and summing up the proofs, and that shall be thus; first, a plain narrative of the fact itself. Secondly, the distribution of it into parts, and applying of the evidence. And, thirdly, the production of witnesses and writings."

Lord Somerset.—"I humbly desire to answer every particular as it is objected against me; my memory is short, and so I may omit to answer some of the most principal objections."

Lord-High-Steward.—"The constant course of the court must be kept, you cannot interrupt the king's counsel; they must give their evidence entire before you come to your answer. You have now pen and ink to observe what they urge against you; and if after you omit any thing, when you come to your answer, you shall have all the helps that can be afforded you."

Attorney.—"My Lord of Somerset, in substance I will satisfy your request, for you shall have three cogitations; first, take your aim at what shall be objected against you in the narrative. Then a second upon the distribution of it into parts: and, lastly, a third when the witnesses are produced; and more, when you come to your answer, if you omit any thing that hath been objected against you, I will put you in mind of it. Now for the narrative; the friendship and familiarity betwixt Lord Somerset and Sir Thomas Overbury was so great that the greatest matters and secrets of state, which my lord executed under the king, were all communicated unto him; not whisperingly and by pieces,

as counsellors sometimes use to do to their friends for a favour; but Overbury took copies, registers, and extracts of all that passed; they had cyphers between them, which went under the name of Jergous, of the king's name, the queen's, and all the councillors of state; and this kind of characteristical writing is never used but by princes or their ambassadors; if by others, then by such as be practisers against them; yet, my lord, I charge you with no disloyalty. I remember a speech your grace hath often said in the chancery, that fraud and frost end foul, I might add with no disloyalty, the friendship of ill men; and so, my lord, it proved on your part to Sir Thomas Overbury, occasioned thus. You went about an unlawful love, designed by my Lord of Northampton, oppugned by Overbury, under pretence of friendship, though in truth that was not the occasion, but his unwillingness to have any procurers in your favour, besides himself; for he himself vaunts, in a letter to you, that you won her by his letter: but this impetuous, unbounded fellow Overbury, first began with dissuasions, afterwards with threats, in respect of the communication of secrets. Upon this there grew two streams of hatred upon him, one from my lady, the other from you, but of a more mineral nature; for yourself confessed, that he had such hold of you, he might overthrow you. There was a third stream besides this, and that came from my Lord Northampton; and from you three Overbury was concluded *filius mortis*. How this should be executed, the means for that was now to be thought on, and for that there were but two ways, violence or poison; the first was attempted, but that failing, you fell upon the second; how should that be effected? If he had been abroad, or at liberty, you knew he had too jealous a head so easily to be entrapped; what then was to be done? No way but to have him cooped up; but how must that be done? there, my lord, you played a perfidious part; by your plot, Overbury was designed for an honourable employment beyond sea, and then dissuaded, by your animating him, to refuse the king's command; upon this, for his contempt, he was committed to the Tower. When he was there, must he have the liberty of the Tower? No, he must be close prisoner, that you might the better compass your designs; there you had him fast, there was no avoiding it; but death must be his bane. Now for the knitting up and connexion of all these things; if you had not a lieutenant to your hand, and an under-keeper for the purpose, all was but in vain, and so you ordered it; for Overbury had not been five days in the Tower, but Wade was displaced, Elvas put in; Cary, his old keeper, put out; and Weston, his poisoner, put to him; and though the placing of Sir Gervais Elvas were consulted on ten days before his imprisonment, yet all was resolved and done within five days after. Now for the last act of the tragedy; when he was there, and close prisoner, none of his friends might come to him; neither father nor kindred, nor his servants, none but his poisoners. Now Franklin was sent for; he must buy the poisons; not such as would quickly kill

him, but by degrees, to avoid all suspicion; and then there was nothing sent to him, salt, sauces, tarts, medicines, clysters, that were not poisoned; all the petitions and means that were either made by him, or his friends, for liberty, were stopped, though entertained by you, my Lord of Somerset; you used him as fortune-tellers do poor people in the country, hold them in a tale while they steal their purse. Now, my lord, for the distribution of it into parts, and applying of the evidence to make you guilty, we will prove it thus, by matter precedent, present, and subsequent; precedent first, there was a mortal hatred on your part against Sir Thomas Overbury. Secondly, that you used the means to expose him to the Tower, and there to keep him a close prisoner; for these two I will follow the proofs myself. Now for matter present, that your hand was in the poisoning of Overbury, directed, delivered poisons, thirsted after the news, the prosecution of this I leave to serjeant Mountague. The subsequent, after his death; you took the course that every guilty man would do in such a case, suppressing testimony, letters, and going to get a pardon; and that Serjeant Crew will follow. Now for your mortal hate to Sir Thomas Overbury, together with a fear of his revealing of secrets, you made a vow that he should neither live in court nor country; that if ever he came out of the Tower, one of you must die. Now of Overbury's part; he writes to you, that if he die, your shame shall never die; prays God you repent not the neglect of him in that place, from whence he writes to you. Now, by way of exclusion, you cannot allege that this your hatred to him, and plotting his commitment, was in respect to your wife; why then did you not suffer him to go beyond sea? no, the bargain was made, the poisons were ready; there were some secrets that he knew of yours, which you feared him for, and that, together with your malice towards him, was so great, that there was no safe course for you, in your opinion, but his death. And now for producing of my proofs, I will use this course; those examinations that have been taken upon oath, shall be here read the witnesses also I have caused to be here, that they may be sworn, and to justify or deny that they hear read, and to diminish or add to their examinations; and, besides, that my Lord of Somerset, and you, my lords the peers, may ask them what further questions you please."

H. Payton, *formerly a servant of Sir Thomas Overbury; examined before the Lord-chief-justice.*

Saith, "He saw a letter of his master's, whose hand he knew, to my Lord of Somerset, wherein were these words, "If I die, my blood lie upon you." And in that or another letter, there was this clause, "My lord, you are now as good as your word, you have kept your vow to me." Moreover, that in the privy-gallery at White-Hall, my Lord of Somerset coming late to his chamber, met there Sir Thomas Overbury; "How now," says my lord,

"are you up yet?"—"Nay," answers Sir Thomas Overbury, "what do you here at this time of night, will you never leave the company of that base woman? and seeing you do so neglect my advice, I desire that to-morrow morning we may part; and that you will let me have that portion you know is due to me, and then I will leave you free to yourself, to stand on your own legs." My Lord of Somerset answered, "His legs were strong enough to bear himself;" and so departed in great displeasure; and, to his certain knowledge, they were never perfectly reconciled again. And being asked, how he heard this discourse, he said, it was in the dead of the night; and he being in a room within the gallery, heard all that passed.

H. Payton.—"I acknowledge every part of this examination to be true; and more, that my master being in the Tower, he sent a letter by Weston, to me, to carry to the earl, and withal, to deliver the earl this message, that that powder he had sent him, had made him very sick, and given him in one night 60 stools, besides divers vomits. This letter I carried to the court, and delivered to Mr. Paulins, to carry in to the earl, who was then in his chamber. The earl presently came out, asked me how my master did; I told him, very sick, and withal, this message, how the physic had wrought with him; the earl smiled, and cried Pish, and so turned him away."

L. Davis, *some time servant of Sir Thomas Overbury; examined before Lord Coke.*

Saith, "That he hath heard his master say, that he would have gone ambassador, but that my Lord of Somerset dissuaded him. He hath seen some letters of Sir Thomas Overbury, wherein he wrote that the Lord of Somerset was even with him; but he thinks he (*i. e.* the Lord Somerset) never saw those passages."

Lord Somerset.—"I pray you, my lords, note he says, I never saw those passages."

Attorney.—"It is true; for those letters were lost, but after found by him, who knew them to be his master Sir Thomas Overbury's hand."

Overbury's 1st letter to Lord Somerset.

"Is this the fruit of my care and love to you? Be these the fruits of common secrets, common dangers? as a man, you cannot suffer me to lie in this misery; yet your behaviour betrays you. All I intreat of you is, that you will free me from this place, and that we may part friends. Drive me not to extremities, lest I should say something that you and I both repent. And I pray God, that you may not repent the omission of this my counsel, in this place, whence I now write this letter."

Lord Wentworth.—"How did you know these letters were sent from him to my Lord of Somerset?"

Lord Coke.—"They were found in a cabinet, among some other things, left in trust by my Lord of Somerset, with Sir Robert Cotton; and thus they were discovered. Sir Robert Cotton, fearing searches, delivered them to a friend of his in Hol-

born, one Mrs. Forneforth; she, to the intent that they might be safely kept, sent them to a merchant's house in Cheapside, where, some nine months before, she had lodged; and desired that they might safely be kept for her, pretending that they were some writings that concerned her jointure. On St. Thomas's day, she herself came to have them again, saying, she must carry them to her counsel to peruse: He said, 'If you will suffer me to open it before you, and that there be nothing else, you shall have them:' But she by no means would consent to the breaking of it open. Then he answered, 'It is a troublesome time, I will go to my lord-chief-justice, and if he find no other writings than such as concern you, you shall have them again;' so coming to my chamber, and not finding me within, (for I was gone to St. Paul's to the sermon) he went to my Lord Zouch, one of the appointed commissioners for this cause; who himself alone would not break it up, but came to St. Paul's to me, where, in a bye room, we broke it up, and in it found these letters, and divers from my Lord of Northampton, besides many other papers."

Lord Zouch.—"I affirm this relation of Lord Coke's to be true."

Overbury's 2d letter to Lord Somerset.

"This comes under seal, and therefore shall be bold. You told my brother Lidcote, that unreverent style might make you neglect me; with what face could you do this, who know you owe me for all the fortune, wit, and understanding that you have?" (Here were inserted some borrowed names.)

Attorney.—"Under these false names they meant great persons; Julius the king, Dominick my Lord of Northampton, Unclius my Lord of Canterbury.

The rest of the letter.

"And yet pretend, the reason why you seek not my liberty to be my unreverent style; whilst, in the mean time, you sacrifice me to your woman, still holding friendship with those that brought me hither. You bade my brother Lidcote keep my desire of liberty secret; yet this shall not serve your turn, for you and I, ere it be long, will come to a public trial of another nature. I upon the rack, and you at your ease, and yet I must say nothing. When I heard (notwithstanding my misery) how you went to your woman, curl'd your hair, and in the mean time sent me 19 projects, how I should cast about for my liberty, and gave me a long account of the pains you had taken, and then left London: I wondered to see how you should neglect him, to whom such secrets of all kinds have passed, and suffer my mother and sisters to lie here in town, expecting my liberty; my brother Lidcote to be in a manner quite overthrown, in respect of my imprisonment; well, all this vacation I have written the story betwixt you and me; how I have lost my friends for your sake, what hazard I have run, what secrets have passed betwixt us; how, after you had won that woman by

my letters, that then you concealed all your after-proceedings from me, and how, upon this, there came many breaches betwixt us; of the vow you made to be even with me, and sending for me twice that very day I was caught in the trap, persuading me that it was a plot of mine enemies, to send me beyond-sea; and urging me not to accept it, assuring me to free me from any long trouble. On Tuesday I made an end of this, and on Friday sent it to a friend of mine, under eight seals; and if you persist still to use me thus, assure yourself it shall be published. Whether I live or die, your shame shall never die, but ever remain to the world, to make you the most odious man living." *

H. Payton } We both, upon our oaths, know this to be Sir
L. Davies. } Thomas Overbury's hand.

Simcock's *examination before Lord Coke; written with his own hand.*

"He says that Weston many times, when Sir Thomas Overbury was in the Tower, told him, that my Lord of Somerset charged him to look to Overbury well, for if ever he came out, one of us two must die."

Lord Somerset.—"I would fain know whether Weston were examined or no."

Lord Wentworth.—"How long is it since this familiar acquaintance betwixt Simcock and Weston?"

Simcock.—"He and I were of ancient and familiar acquaintance long since."

Attorney.—"Weston had continual access to my lord, had rewards from him; my lord charged him to look to Overbury well: it could not be his marriage that made him so much fear; but what the secrets were that caused it, it is not the work of this day. Now, to shew that the greatest matters of state were communicated to him, read Davis."

L. Davis *examined.*

"There was a packet of letters, sealed, which, as he takes it, came from Sir John Digby, directed to the king; and his master Sir Thomas Overbury opened it, took brief notes for my Lord of Somerset, and sealing it again, sent both the notes and packet to him. Another like this he saw his master have at Newmarket, out of which, after he had taken extracts, he sealed it up again and sent both back by this examinant, to my Lord of Somerset."

Attorney.—"I will not now, my lords, endeavour to press the greatness of this offence; but I urge it thus, that you may see there were no mean secrets betwixt my lord and Sir Thomas Overbury, that might rather cause him to fear him, than the hindrance of his marriage; if that had been it alone, his going beyond sea would have served the turn."

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* Somerset was no traitor, no conspirator, what then could those *passages* be which Overbury alludes to so mysteriously?—Ed.

Lord Somerset *examined.*

Says, " That amongst many other characters for names, that passed between Sir Thomas Overbury and him, Simonist was for Sir Henry Nevil, Wolfy for the now lord-treasurer. Ductius for my Lord of Canterbury."

Attorney.—" In good faith, these two made plays of all the world besides themselves; but though it were a play then, it hath proved tragical since."

A Letter of Lord Northampton to Lord Somerset.

" Now all is concluded about the form of the nonaltity, I doubt not but God will bless the next bargain. I hope hereafter to find better pen and ink in this lady's chamber: be still happy. Underneath subscribed H. Northampton; and I am witness to this bargain. Fra. Howard."

Lord Somerset.—" This letter was shewed my Lord of Northampton, and he denied the hand."

Attorney.—" The second branch that I mean to follow, is, that you used the means to expose him to the Tower, and there to keep him close prisoner; it is a chain of eight links, and shall be shewed you upon eight points of the compass. But before we come to these, my lords, it is to be considered, that, as no consultation is ripe in an hour, so no more was theirs; for they purposed at first to have taken away his life by assault; and Franklyn tells you the cause of this malice."

Franklin's *examination before Lord Coke, but not upon Oath.*

He saith, " That my Lady Somerset said, the cause of this hatred of Sir Thomas Overbury was, that he would pry so far into my Lord of Somerset, that he would put him down."

Sir D. Wood's *examination before Lord Coke.*

He saith, " My Lady Somerset knowing there was some discontent betwixt Overbury and him, in respect of a suit that he crossed him in, told him, that if he would kill Sir Thomas Overbury, he should have 1000*l.* and besides, she would make his greatest enemy to become his greatest friend; and he knew no enemy he had in court but my Lord of Somerset; he answered, that if my Lord of Somerset would give him his hand, or but pass his word if he did it, that he should escape and have his pardon, he would do it. Upon this she paused, and desired some time to give her answer; and when he came again to her, she told him that could not be, but promised all favour possible unto him, and warranted him to go on upon her life."

Lord Somerset *examined.*

Saith, " It was once resolved somebody in court should fall out

with Overbury, and offer him some affront, but that was not followed."

Mr. Attorney.—"Note, my lords, he does not say it was disliked; and now to the story, the first link of which is, that the means to entrap Overbury to the Tower, was by the means of Lord Somerset."

Sir Dudley Digs *sworn.*

"Sir Thomas Overbury once told me, that he went to undertake the employment offered him to go beyond sea; but afterwards he sent me word, by Sir Robert Mansel, that he had changed his mind. And Sir Robert Mansel told me farther, that he saw a letter from Lord Somerset to Overbury, that dissuaded him from that course. Seeing Mr. Attorney hath called me so far out of the country for this small testimony, I wish Sir Robert Mansel were here to justify it."

Lord Somerset's Declaration in Writing to the King.

"Being told by my lord-chief-justice that I was indicted, and was shortly to expect my arraignment, I did not then believe him, for I did not look for that way. Your majesty hath three kingdoms, wherein to exercise the prerogative of your power, and but few that taste of the first of your favours, in which number I did think myself, if not the first, yet inferior to very few; and having committed no offence against your person, nor the state, I hope your majesty will not for this bring me to a public trial, which, for my reputation's cause, I humbly desire to avoid. Grace truly given, may be a benefit; for it is not enough to give life, and not to save reputation. But if I must come to my trial, knowing the presumptions may be strong against me, in respect I consented to and brought about the imprisonment of Sir Thomas Overbury, (though I designed it for his reformation, not his ruin,) I therefore desire your majesty's mercy; and that you will be pleased to give me leave to dispose of my lands and goods to my wife and child, and graciously to pardon her, having confessed the fact: for myself, being uncertain how I shall be judged upon presumptions, I humbly desire that, in the mean time, you will be pleased to give my Lord Hayes and Sir Robert Carr leave to come to me."

Mr. Attorney.—"The second link is, how that Elvas came to be Lieutenant of the Tower by your means, and yet that must have a colour; my Lord Shrewsbury and Lord Chamberlain must prefer him to you, as their friend, though it was resolved before, he should have the place."

Sir Jervas Elvas examined, but not on oath.—He saith, "Sir Thomas Monson told him that Wade was to be removed, and that if he succeeded Sir William Wade, he must bleed, that is, give 2,000*l.*; and ten days after Wade was removed, he came into the place, and paid 1,400*l.* of the money at his uncle Alderman Elvas's house to Doctor Campian."

Mr Attorney.—"You may see they had cyphers for money.

He must bleed; a strange presage; and, as it is impossible to serve God and mammon, so in that kind is it hard to serve a king."

Sir Thomas Monson examined, but not on oath.—Saith, "Lord Northampton, upon the displacing of Wade, moved the king for Sir Jervas Elvas; and that he directed Sir Jervas Elvas to go to the Lords of Shrewsbury and Pembroke, to move Lord Somerset to speak for him to the king."

Sir Jervas Elvas examined on oath.—"When it was resolved Wade should be removed, and he to succeed him, then he was advised to desire Lord Somerset to move for him, which he did accordingly; but took that only to be but for a colour, because it was resolved before."

Mr. Attorney.—"Now the third link concerns the placing of Weston for his keeper."

Sir Thomas Monson examined.—Saith, "He recommended Weston to the service of Sir Jervas Elvas, and to keep Sir Thomas Overbury, upon the Countess of Somerset's entreaty;" and farther saith, "that Lord Northampton was acquainted with the placing of him."

R. Weston examined.—Saith, "Lord and Lady Somerset gave good words of him to the lieutenant."

Lord Somerset examined.—"Denied the knowledge of Weston, either before his coming into the Tower, or since."

Simcock examined.—Saith, "That Weston, during the time Sir Thomas Overbury was in his keeping, came often to my lord, had much money of him, and wondered Sir Thomas Overbury had so good opinion of my lord, and thought he had not so much wit as the world esteemed; for there was no man hindered his liberty but he; and whenever he came to my lord, he might use such means as Rawlins, his man, must not know."

Mr. Attorney.—"All the confessions of Weston were taken before conviction; and these two last witnesses are merely to his denying the knowledge of Weston. Now for the fourth link, which is the placing and displacing officers."

Sir Jervas Elvas examined.—Saith, "That Overbury was committed April the 30th, and May the 6th himself came to be Lieutenant of the Tower; and that Weston was preferred to be Sir Thomas Overbury's keeper, May the 7th; and that all this time he served, he never had wages from him."

Mr. Attorney.—"Now, my good Somerset, comes the fifth link, or point of the compass I promised to show you, which was, that this must not be done suddenly, but by degrees, and so he must be poisoned leisurely to avoid suspicion; and, in the mean space, you entertained his father and mother with frivolous hopes, and yet indeed hindered and made opposition (but underhand) to all the means that were used for his delivery."

Mr. Overbury, the father, sworn—"After my son was committed, I heard that he was very sick; I went to the court, and delivered a petition to the king; the effect whereof was, that in respect to my son's sickness, some physicians might have access to him. The king answered, that his own physician should go to

him, and then instantly sent him word, by Sir William Button, that his physician should presently go. Upon this I only addressed myself to Lord Somerset, and none else, who said, my son should be presently delivered; but dissuaded me from preferring any more petitions to the king, notwithstanding which I (seeing his freedom still delayed) did deliver a petition to the king to that purpose; who said, I should have a present answer; and Lord Somerset told me, he should be suddenly relieved. But with this, that neither I, nor my wife, must press to see him, because that might protract his delivery; nor deliver any more petitions to the king, because that might stir his enemies up against him; and then he wrote a letter to my wife, to dissuade her from any longer stay in London.

Lord Somerset's Letter to Mrs. Overbury.

"Mrs. Overbury, your stay here in town can nothing avail your son's delivery; therefore I would advise you to retire into the country, and doubt not before your coming home you shall hear he is a free man."

Lord Somerset's Letter to Mr. Overbury.

"Sir,—Your son's love to me got him the malice of many and they cast those knots on his fortune that have cost him his life: so in a kind there is none guilty of his death but I, and you can have no more cause to commiserate the death of a son, than I of a friend: but though he be dead, you shall find me as ready as ever I was to do all the courtesies that possibly I can, to you and your wife, or your children; in the mean time I desire pardon from you and your wife, for your lost son, though I esteem my loss the greater; and for his brother that is in France, I desire his return, that he might succeed his brother in my love."

Mr. Attorney.—"By this you see my lord's dissimulation: and I think he was a piece of a lawyer by his insinuating with his next kindred, for fear of appeals. Now to come to the sixth link, which shews how light Lord Somerset made both of Sir Thomas Overbury's fortunes and sickness."

Simcock's examination saith, "That Weston told him, he wondered Sir Thomas Overbury should have so great confidence in Lord Somerset, and think that he loved him so well; for he knew that he could not abide him, and thought of nothing less than his liberty."

Sir John Lidcote sworn.—Saith, "He desired Lord Somerset, that either he or Sir Robert Killigrew might have leave to see Sir Thomas Overbury in his sickness, which Lord Somerset obtained from the king; and so they had a warrant from Lord Northampton and some other councillors, to see him, and found him very sick in his bed, his hand dry, his speech hollow; and at this time he desired me to write his will; I proposed to come to him again the next day. Now being ready to depart, the lieutenant going out before, Overbury asked me softly this question, whether Somerset juggled with him or no? But I then told him, as I believed,

that I thought not: but the lieutenunt looking back, and perceiving that some whispering had passed, swore that I had done more than I could justify; but afterwards coming to press Lord Somerset about Sir Thomas Overbury, I perceived he dealt not plainly with him; and once speaking with my lord about him, he gave a counterfeit sigh (as this deponent conceived it,) for at that instant he smiled in my face."

Mr. Attorney.—"The seventh link is to shew you the manner of his keeping, which was close prisoner in the Tower; his offence being only a contempt, and who was the author of this, read Sir Thomas Monson."

Sir Thomas Monson's examination, but not upon oath.—Saith, "Lord Northampton and Lord Somerset gave directions to the lieutenant of the Tower, to keep him close prisoner."

E. Davis examined.—Saith, "That he was a suitor to Lord Somerset, that he might wait upon his master Sir Thomas Overbury in the Tower, though he were shut up with him; but my lord answered, he shortly purposed to procure his total liberty, and this might hinder it."

Mr. Attorney.—"Now the eighth and last link is, in the interim, that Overbury in the Tower was plied with poisons; my lord thirsted after the news, to know what became of him; and continual posts went between him and my lady, and all this while bore him in hand with other pretences."

Franklyn, but not upon oath.—Saith, "That being with Lady Essex, she told him, that she had that day received a letter from Lord Rochester, wherein he wrote, that if Weston did not use dispatch, Sir Thomas Overbury would be out."

Sir Jervas Elvas examined.—Saith, "That he received divers letters from Lady Essex, wherein she desired to know how Overbury did, that she might certify to the court."

Lord Somerset examined.—Saith, "That there passed many letters betwixt my lady and him, but not concerning Overbury, but then desired that this point might be altered; for it might be that some letters concerning Overbury might have then passed betwixt them."

Mr. Attorney.—"My lord knew not whether any of those letters were extant, and therefore desired that this might be altered."

Loubell, an apothecary, a Frenchman.—Said, "That coming to Lord Somerset, he asked him of Overbury, and how he did? And he said ill. Another time also he sent for him to enquire about Overbury, and then he answered him that he was ill, but hoped he might recover: what, says my lord, do you think he would recover if he were at liberty? And he answered, yes. Again, my lord sent for him a third time, and carrying him into the gallery at Whitehall, asked him how Overbury did? he answered, he was very sick; and farther added, he found him ill before the 25th of June, that he came to him."

Lord Somerset's examination.—"Denieth that he ever saw Loubell, but once at Tibald's."

Mr. Attorney.—"Here again you see my lord falsified; but it

seems, imagining or not knowing that Loubell could say more against him than he hath done, he denied the knowledge of him as he did of Weston."

Lord Coke.—"It was doubted Loubell might be a delinquent, and therefore I dared not examine him upon oath, no more than I did Franklin; but when in their testimony they accuse themselves, it is as strong as if upon oath."

Mr. Attorney.—"Now in respect Overbury had a working brain, Lord Northampton must in shew negotiate about his delivery, and the terms of his coming out, whilst they intended his poisoning; that was real, and the other but in pretence."

Lord Northampton's first Letter to Lord Somerset.

"In this business concerning Overbury, there must be a main drift, and a real charge; you may imagine the meaning."

Second Letter.

"I yesterday spent two hours in prompting the lieutenant, with as great caution as I could, and find him to be very perfect in his part; and I long exceedingly to hear his report of this adventure."

Third Letter.

"You need not use many instruments, so long as I am in town with the lieutenant."

Fourth Letter.

"I cannot deliver with what caution and discretion the lieutenant hath undertaken Overbury; but for his conclusion I do and ever will love him the better, which was this; that either Overbury shall recover and do good offices betwixt Lord Suffolk and you, which if he do not, you shall have reason to count him a knave; or else, that he shall not recover at all, which he thinks the most sure and happy change of all; for he finds sometimes from Overbury many flashes of a strong affection toward some enemies of his."

Lord Somerset.—"I acknowledge these letters to be Lord Northampton's, and all those that I sent to him were delivered me after his death, by Sir Robert Cotton; all which, the evening before my commitment to the Dean of Westminster, I burnt."

Mr. Attorney.—"These letters of Northampton were found in the box Sir Robert Cotton gave to Mrs. Farneforth, and here my part ends; and that which rests behind, I leave to the two serjeants.

L. H. S.—"My Lord, you have heard what hath been urged against you, and may imagine, that there rests much behind; and therefore you had best confess the truth, otherwise you will but more and more wind in yourself.

Lord Somerset.—"My lords, I came with a resolution to defend myself.

After this, the Lord High-Steward and the rest of the lords retired themselves.

Serjeant Mount.—"It falls to my part to discover those secrets that were concurrent and present with the murder of Sir Thomas Overbury; and there be three things that make evidently that you, Lord Somerset, was the principal procurer; 1. A powder that was sent Sir Thomas from your own hand, which was poison, and taken by him. 2. Poison in tarts, which you occasioned to be sent. 3. How the first general light of this poisoning came out, Mr. Attorney yesterday excellently observed, that it was by a compliment: so now I shall shew how, out of the compunction of an offender's heart, these came to be discovered; Franklin confesses the poisons that he bought for this purpose, and the trial that he made of them before they were sent; and first for the powder, it was sent in a letter, written by my lord's own hand, to Overbury; and he wrote that it would make him a little sick, (which it did in a high degree) mentioning, likewise, that he would take occasion to speak for him to the king; and this letter, with the powder, you sent to him by Davis, and the powder was poison. 2. For the tarts, at first you sent them good to disguise the bad, but after came the poisoned tarts; and to make this appear that they came from you, continual posts ran between you and my lady, and she writes to the lieutenant:—"I was told to tell you, that in the tarts and jellies there are *letters*, but in the wine none; and of that you may take yourself, and give your wife and children, but of the other not. Give him these tarts and jelly this night, and all shall be well." And it appears, that the *letters* did signify poison. The third charge that I lay upon you is, that you wrote to my lady, that you wondered these things were not dispatched; she presently sent for Franklin, and shewed him your letters, which he read, and remembers the words; she then also sent for Weston to dispatch him quickly, who answered, that he had already given him as much as would poison twenty men; and in all these things, my lord, I shall prove you as guilty as any whosoever hath been formerly arraigned; and Weston, upon his arraignment, affirmed all these things to be true. Now to the proof, he sends a petition to Lord Coke, to desire to speak with him, the very night before Elvas's arraignment, he knowing nothing of it; and says, that his conscience troubles him so that he cannot sleep, and, therefore, desires to reveal something to him; and that until he had done it he could never be quiet."

Franklin's Examination.—"Mrs. Turner desired him to buy some of the strongest poisons he could get, which he did, and brought them to Mrs. Turner and my lady, and at that time they both swore him to secresy; and afterwards he perceived that these poisons were sent to the Tower, and amongst the rest, a kind of white powder called arsenic, which she told him was sent Overbury in a letter, and afterwards told him of many more poisons that were sent, and to be sent by Weston to Overbury; and those poisons which my lady shewed him, were wrapped in a paper written with a Roman hand, and they tried some of the poisons upon a cat or a dog, which were wonderfully tormented and died."

Weston's Examination.—"My lady told him, that he should be

well rewarded, but before she could procure that, the fact must be done; and he had already given him as many poisons as would poison twelve men."

Lord Somerset's Examination—Saith, "That he caused a vomit to be sent him at his own request, which was a white powder; and it was the same that he had had before of Sir Robert Killigrew, and sent by Rawlins, and it may be that this second sent by Davis was in a letter."

L. Davis's Examination.—Saith, "That three weeks after Sir Jervas Elvas came to be lieutenant of the Tower, my lord sent in a letter by him, a white powder to Sir Thomas Overbury; and that it would make him a little sick, so he might have the better opportunity to speak for him to the king, and he saw this letter. Next day, Weston told him how sick Overbury had been, and shewed him what loathsome stuff he had vomited, which he would have had to have carried to Lord Somerset; but Weston would not let him, saying, it was an unfit sight to shew him."

H. Payton's Examination.—Saith, "That this powder gave Sir Thomas fifty or sixty stools, and vomits for four or five days."

Serj. Mount — "Four several juries have found that this powder was poison, and of this poison Sir Thomas Overbury died; now for the proof of the poisoned tarts."

Lady Somerset examined.—She saith, "She knoweth of no tarts which were sent Sir Thomas Overbury, but either from herself or my lord."

Sir Jervas Elvas's Examination.—Saith, "By letters my lady meant poison, but the word was then used to clear his eyes."

Lord Somerset's Letter to Sir Jervas Elvas.

"I was told to bid you say, that these tarts came not from me; and again, I was bid to tell you, that you must take heed of the tarts, because there be letters in them, and therefore neither give your wife nor children of them; but of the wine you may, for there are no letters in it; Thomas Monson will come from the court this day, and then we shall have other news."

Lady Somerset's Examination.—Saith, "That by letters she meant poison."

Serj. Mount.—"Now for my lord's haste to spur this on, and here I end. Read Franklin's examination."

Franklin's Examination—Saith, "In a letter which my lady told him was sent her from my lord, there were these words, "*That he wondered things were not yet dispatched, and that he thinks was meant about Overbury, by reason of her then speeches to him, and present sending for Weston.*"

"When Lord Somerset came to town after Weston's apprehension, he (Franklyn) was sent for to the cock-pit, and there my lady swore him again to secrecy, told him Weston was taken, and that it was likely he would be so shortly, and that they should all be hanged; then retiring into an inner room, to speak with one, whom he verily believes to be Lord Somerset, she came again, and told him, that the lords, if they examined him, would put him in hope of a pardon upon confession; but, said she, believe them

not; for when they have got out of you what they would, we shall all be hanged. Nay, saith Mrs. Turner, madam, I will be hanged for you both."

Mary Erwin's Examination, not upon oath.—"Mrs. Turner sent her for Franklin, to bring him to the cock-pit, at 10 o'clock at night; and is sure, that night Lord Somerset came from court, and was at the cock-pit when she came."

Lady Somerset's Examination.—"She confesseth all that Franklin said concerning her discourse with him, and that my lord was with her that night in the cock-pit."

Mr. Serj. Crew.—"Next follows the proof for surprizing letters."

L. Davis's Examination.—Saith, "That in summer last, my lord sent Rawlins to him, to desire, that if he had any letters, either from my lord to Sir Thomas, or from him to my lord, that he would send them by him, which he did, and for this my lord did afterwards send him by Rawlins 30*l.*

George Errats, constable, examined, saith, "That Poulter, a messenger, brought him a warrant from my Lord Somerset, to break open and search a house, for certain writings, which were pretended to be one Mrs. Hide's, a sister of Mrs. Turner's; and that he shewed him a part of the warrant only, but not all: so that for that cause he would not execute it; whereupon, this Poulter got smiths himself, to break open the house and door, and found in a cellar a box and bag of writings, where he saw the name of Mrs. Turner, and those were carried to my lord."

Lord Somerset.—"As to these letters, Sir Robert Cotton delivered them to me after my Lord Northampton's death; and concerning the dates, you need not trouble yourself, for it now grows late, and I shall have very little time to answer for myself. I confess, Sir Robert Cotton delivered me back those letters I had sent Lord Northampton, and that I burnt them, and that some parts were cut off as impertinent."

Sir R. Cotton's Examination.—Saith, "My lord delivered into his hands many of Sir Thomas Overbury's letters, and that he cut and dated them by my lord's direction; and that he put in dates the next day, to some of the letters, after Weston's arraignment.

Mr. Serj. Crew.—"I desire my lord will be pleased to look upon this book of Overbury's letters, and now for the copy of the largest pardon."

Sir Robert Cotton saith, "That at Lord Somerset's intreaty, a little before Michaelmas last, he got him a draught of the largest pardon, and the precedent was of one that king Henry VIII. granted to Cardinal Wolsey; and if he desired such a one, I told him, the best way was to follow precedents."

The pardon was read, wherein, amongst other offences, before and after, of small account, treason and murder are inserted.

Mr. Serj. Crew.—"And this was it that made Weston fear, that the net was for the little fishes, and that the great ones could break through."

Alderman Bowles's Examination.—Saith, "That after he had persuaded Weston from standing mute, he told him, that he feared

the net was laid for the little fishes, and that the great ones would break through."

Mr. Serjeant Crew.—"The last thing I urge is, my lord's declaration to the king, which I desire should be read.

(The Declaration read.)

"The same that were noted before, after he understood, by Lord Coke, that he was to be arraigned, &c."

Mr. Attorney.—"You see, my lords, in this declaration of Lord Somerset, there is a brink of confession; I would to God it had a bottom. He urges, that in respect he hath formerly been so great in the king's favour, and had never committed any treason, neither against his person nor state, that he should never have been called to an account for this fault, though he had been guilty. That grace timely given is a benefit; and that it is not enough only to give life, but to save reputation; but if he must be urged, then he desires his wife might be pardoned, having confessed the fact; and that if he must be put upon the hazard of trial, the king will before give him leave to dispose of his lands and goods to the use of his wife and child; and that, in the meantime, he will give Lord Hay and Sir Robert Carr leave to come to him."

Mr. Serjeant Crew.—"This declaration is an implicative confession."

Mr. Attorney.—"I think there is nothing here but wonders, seeing that all poisons be works of darkness, how this should so clearly appear; but, it seems, his greatness in fortune caused this grossness in offending."

L. H. Steward.—"Lord Somerset, you have behaved yourself modestly in the hearing, and only this, (before you speak for yourself) by way of advice, I will say unto you, in giving you two examples; your wife, that yesterday confessed the fact, and there is great hope of the king's mercy, if you now marr not that which she made. On the contrary, Byron, who when the King of France used all the means he possibly could, to bring him to the acknowledgment of his offence, which, if he had done, there was great hope of the king's grace; and I think there never was, nor is, a more gracious and merciful king than our master; but Byron still persisting in the denial of his fact, you know his end."

Lord Somerset.—"I am confident in mine own cause, and am come hither to defend it; and in respect the king's council have been so long in speaking against me, that neither my memory, nor notes, will give me leave to answer every particular in order, I will begin with some of the last things that they seemed most to urge against me, and so answer the rest that I think do any thing at all touch me. For the powder that was sent Overbury to make him sick, that so I might have the better occasion to speak for him to the king for that purpose, he himself desired it, and upon his letter I sent it. And though it be true, that I consented to his imprisonment, to the end he should make no impediment in my marriage, yet I had a care of his lodgings, that they should be where he might have the best air, and windows both to the water and within the Tower; so that he might have liberty,

to speak with whom he would; so you see it was against my intention to have him close prisoner.

"Whereas the breach of friendship betwixt Overbury and me is used for an aggravation against me; it is no great wonder for friends sometimes to fall out, and least of all with him; for I think he had never friend in his life that he would not some time fall out with, and give offence unto; and this they termed insolence in him, but I give it a better name.

"For the great trust and communication of secrets between Overbury and me, and for the extracts that he took out of ambassadors' letters, I confess this, I knew his ability, and what I did was by the king's commission; for other secrets there were never any between us.

"And for his fashion of braving both in words and writing, there was none that knew it better, nor feared it less than myself. At that time he was in disgrace with the queen, and for that cause was enforced for a time to absent himself from court, and this was for some particular miscarriage of his towards her majesty; and, though I laboured his reconcilement and return, yet he, with main violent terms, laid the cause of his disgrace upon me. And another time Lord Salisbury sent for him, and told him, that if he would depend upon his favour, he would presently help him with a suit that should benefit him 2000*l.* which, presently, Overbury coming to him, told me of; to which I answered, he did not need to rely upon any body but me, and that if he would, he might command my purse, and presently have more than that, and so he had; and yet, afterwards, upon some causeless discontent, in a great passion he said, that his love to me had put him out of Lord Salisbury's favour, and made him lose 2000*l.* Whereas it was urged, that I caused him to refuse the employment which was imposed upon him; it is not so, for I was very willing he should have undertaken it, but he would not: Lord Canterbury moved him to it, but not without my privity; for I should have been glad to have removed him, both in respect of my marriage, and his insolency: but Overbury came to me, and said, I will tell Sir Dudley Diggs I will undertake this embassy, that he may so return answer to Lord Canterbury; but then you must write to me not to do so, and so take it upon you. Whereas it is pretended, that I should cause poisoned tarts to be sent him to the Tower; my wife, in her confession saith, that there were none sent, but either by me or her, and some were wholesome and some not; then it must needs follow, that the good ones were those which I sent, and the bad her's."

Lord Lisle.—"If you had sent him good tarts, you should have seen them conveyed by a trusty messenger."

Lord Compton.—"My lady, in her letter to the lieutenant, writes, I was told to bid you do this; who should bid her?"

Mr. Serjeant Mountague.—"The continual letters between my lord and her, argues that."

Lord Somerset.—"If Franklyn knew me so well, and that I was privy to the plot, why should then my wife and I (as he pretends)

when he was there, speak so closely, and always out of his hearing and sight. But for Overbury, my furthest intent in his imprisonment was, that he should be no impediment to my marriage, and this I communicated to Lord Northampton and Elvas."

Serjeant Mountague.—" You could not couple yourself worse than with those two."

Lord Somerset.—" Whereas Simcocks says, from the relation of Weston, that he so often came to me, I protest I never saw him until after Overbury's death, and then Rawlins brought him to me."

Serjeant Crew.—" Sir Jervis Elvas, in his examination, saith, that Weston many times told him, that Lord Somerset many times sent for him, and for this purpose you shall have Weston's examination."

Weston's Examination.—Saith, " That Lord Somerset many times sent him directions before Overbury's going to the Tower, to appoint meetings between him and my lady."

Lord Somerset.—" This may hold, and yet that I never spake to him, so for those messages he spoke of, he might receive directions from me by a third person; and for that which Payton alleges about the powder which I sent, and made Sir Thomas Overbury so sick; that powder which I sent was one of them which I received from Sir Robert Killegrew."

Serjeant Crew.—" But this, my lord, was none of the powders you received from Sir Robert Killegrew, for you had three from him; the first was lost, the second you sent him by Rawlins, and the third yourself took at Buly. Now a fourth, which was sent by Davis, was that that made him so sick, and gave him so many stools, and that was poison, and sent three weeks after that that Rawlins carried."

Sir Robert Killegrew.—Saith, " That my lord desired him to give him powders, which he himself sometimes used to take for a vomit, but he thought it had been only for himself; not that he intended to send it to Sir Thomas Overbury, and that my lord never had of this powder of him but thrice."

Mr. Rawlins's Examination.—Saith, " That the first vomit Sir Robert Killegrew gave my lord was laid upon a tester of a bed, and lost; and that then upon that he got another, which my lord sent to Sir Thomas Overbury by him, and afterwards a third, which my lord took at Buly, but he never heard that Sir Thomas Overbury desired my lord to send him any."

Franklin's Examination.—Saith, " That he provided a white powder, which was poison, for my lady called it arsenic; which, as my lady did afterwards tell him, was sent to Sir Thomas Overbury in a letter."

Lord Somerset.—" I do not think you can take Franklin for a good witness. Now for the anti-dates which are used as a circumstance against me, Sir Robert Cotton moved me to it, saying, 'that the dates might prove useful to me at this time:' whereas Lord Northampton writes in one of his letters, that he had promoted the lieutenant; I conceive his meaning to be, that he

should endeavour to make Overbury to be a good instrument betwixt Lord Suffolk and me; and to that end, those whom he thought to be his principal enemies, should be the only causers of his freedom. And what I understand by Elvas's conclusion, which my Lord of Northampton relates, in the end of one of his letters to me, that death is the best way; I wish that my answers to those letters were now to be seen, and if I had ever thought that those letters of my Lord of Northampton's would be dangerous to me, it is likely I never would have kept them. For the warrant I made, my wife desired me to do it for Mrs. Turner's sake; Packer formed it, and told me I might do it as a counsellor alone, without other hands; for I would have had at that time my Lord Knowls to have joined with me, but that he was at council; and when this warrant was sent, I was not commanded from court, as is pretended."

L. H. S.—"All the council together could not justify the making of such a warrant."

L. Somerset.—"My lords, before you go together, permit me to recommend myself and cause to you, as the king has raised me to your degree, so he hath now disposed me to your censures; this may be any of your own cases, and therefore I assure myself you will not take circumstances for evidence; for if you should, the condition of a man's life were nothing. In the mean time you may see the excellence of the king's justice, which makes no distinction, putting me into your hands for a just and equal censure. For my part, I protest before God, I was neither guilty of, or privy to, any wrong that Overbury suffered in this kind. A man sensible of his own preservation had need to express himself."

He being withdrawn from the bar, the lord-high-steward briefly reported to the lords the proofs against Lord Somerset. The lords retired by themselves for a short time, and having returned, the serjeant-cryer called every lord by his name.

Mr. Fanshaw.—"Robert, Lord Dormer," and so to the rest, before my lord-high-steward spoke.

L. H. S.—"Robert, Lord Dormer, how say you, whether is Robert, Earl of Somerset, guilty of the felony, as accessary before the fact of the wilful poisoning and murder of Sir Thomas Overbury, whereof he hath been indicted and arraigned, or not guilty;" and so particularly to every lord, one by one.

L. Dormer.—"*Guilty*, my lord," standing up and bare-headed, then sitting again. My Lord Norrice, when it came to him, said, "*Guilty* of murder," but being told by my lord-high-steward, that he must say either guilty or not guilty to the indictment, he said, "*Guilty*."

Then Mr. Lieutenant brought the prisoner again to the bar.

Mr. Attorney.—"My Lord-High-Steward, Robert, Earl of Somerset, hath been indicted and arraigned, and put himself upon his peers, who all, without the difference of one voice, have found him guilty; I pray judgment."

Mr. Fanshaw.—"Robert, Earl of Somerset, hold up thy hand; whereas thou hast been indicted, arraigned, and pleaded not guilty, as accessary before the fact, to the wilful poisoning and murder of Sir Thomas Overbury, and hast put thyself upon thy peers, who have found thee guilty; what hast thou to say for thyself, why sentence of death should not be pronounced against thee?"

L. Somerset.—"The sentence that is passed upon me must be just; I only desire a death according to my degree; for that Simcock's said——"

L. H. S.—"My Lord, you are not now to speak any more in your defence, but why judgment of death should not be pronounced."

L. Somerset.—"Then I have no more to say, but humbly beseech you, my Lord-High-Steward, and the rest of the lords, to be intercessors to the king for his mercy towards me, if it be necessary."

My lord-high-steward, taking the white staff from Sir Richard Coningsby, pronounced sentence.

L. H. S.—"Robert, Earl of Somerset, whereas thou hast been indicted, arraigned, and found guilty, as accessary before the fact, of the wilful poisoning and murder of Sir Thomas Overbury; you are therefore to be carried from thence to the Tower, and from thence to the place of execution, where you are to be hanged till you be dead, and Lord have mercy upon you."

L. Somerset.—"My lords the peers, I beseech you, as you have been the judges of this day, so you will be my intercessors."

Then the lord-steward broke his staff, the court dissolved, and the prisoner was carried away.

Sir Anthony Welden, in his court and character of King James, says, that after this poisoning of Overbury was discovered to him, being at Royston, he sent for all the judges, his lords and servants surrounding him, and kneeling down in the midst of them, used these words:—

"My lords the judges, it is lately come to my knowledge, that you have had an examination, a business of poisoning: Lord! in what most miserable condition shall this kingdom be (the only famous nation for hospitality in the world) if our tables should become such a snare, as none could eat without danger of life, and that Italian custom should be introduced amongst us! therefore I charge you, as you will answer it at that great and dreadful day of judgment, that you examine it strictly, without favour, affection, or partiality; and if you shall spare any guilty of this crime, God's curse light upon you and your posterity; and if I spare any that are found guilty, God's curse light on me and my posterity for ever."

Whether this passage be true or false, it shall not be a subject of inquiry in this place. We proceed to observe, that both the earl and the countess were afterwards pardoned; that the earl lived to an old age, in a very obscure retreat, though visited sometimes by King James, but never by his son King Charles I.; that he was suffered to enjoy the greatest part of his estate, and thought himself ill-used in not being restored to the whole; we have a letter of his to this purpose, printed in the Cabala, wherein he complains to the king of the delay he met with in that business, and after a perplexed manner vindicates his innocence: the whole is couched in obscure terms, and some sentences require an interpreter.

The earl and countess lived long in the same house, as strangers to each other, and she died before him, if we may rely on the history of those times, an infamous and nauseous death; and their only issue was Anne, married to William, Earl, afterwards Duke of Bedford, who was a lady of eminent virtue and piety; and such care was taken to conceal all stories, books, and papers concerning the conduct of her mother, that she remained an entire stranger to it to her death.

RIGHT HON. FRANCIS, LORD VERULAM,

VISCOUNT ST. ALBANS, AND LORD-CHANCELLOR OF ENGLAND, FOR BRIBERY AND CORRUPTION, THE 19TH OF MARCH, 1620, 18 AND 19 JAC. 1.

On Thursday, the 15th of March, 1620, Sir Robert Phillips, from the committee of the commons, appointed to enquire into abuses in the courts of justice, reported to the house, that they had received two petitions, charging the lord-chancellor with corruption in his office.

That the first petition was from Awbrey, which shewed, that he, having a cause depending before the lord-chancellor, and being tired with delays, was advised, by some near my lord, to quicken him, by making his lordship a present of 100*l.* That he, thereupon, with

some difficulty, procured the sum of an usurer, and went with Sir George Hastings and Mr. Jenkins to the lord-chancellor's house, in Gray's-Inn; and those two gentlemen carried in the money to his lordship; and, when they came out, said, my lord was thankful, and assured him of success in his business.

That, Sir George Hastings, a member of the house, had acknowledged the giving Awbrey that advice, and carrying in the money to my lord; but said, he presented it as from himself, and not from Awbrey: Nor had it the effect that the petitioner expected. This charge was confirmed by several letters.

The second petition was from Edward Egerton, who shewed, that he was persuaded by Sir George Hastings, and Sir Richard Young, to present his lordship with a sum of money; but that he had before given my lord a piece of plate, of the value of 52*l.* as a testimony of his love; and now he procured 400*l.* and sent it to his lordship by Sir George Hastings and Sir Richard Young, as a gratuity for what my lord had done for him, when he was attorney-general: That these gentlemen told the petitioner, my lord scrupled the taking it at first, and said, it was too much; but was at length persuaded to take it, as for favours past, and returned him thanks, saying, he did not only enrich him, but laid a tie on him, to assist him in his lawful business: That Sir George Hastings and Sir Richard Young, members of the house, acknowledged the delivery of the purse; but said, they knew not what was in it.

The report also took notice, that Doctor Field, now Bishop of Landaff, had undertaken to procure Mr. Egerton success in his cause, on condition of his entering into a recognizance of 10,000 marks; with condition, that if my lord-chancellor decreed it for him, 6,000 marks should be distributed among those honourable persons that solicited his cause for him.

This matter being ordered to be further considered by the committee, Sir Robert Phillips reported, on the 17th of March, that it appeared plainly in Awbrey's case, there was a suit depending at the time the money was presented: and that Sir George Hastings had at length acknowledged, when he gave the lord-chancellor the

100*l.* he said, that it was to help Awbrey in his cause. However, not long after, a very prejudicial order was made against Awbrey: whereupon, Sir George moved it might be rectified; and my lord promised to do it, but did not: and that there were letters produced, from Awbrey to the lord-chancellor, about this business.

And in Egerton's case, when the 400*l.* was presented to the lord-chancellor, there was a suit depending in the Star-chamber; and Sir Rowland Egerton, about the same time, preferred a petition to the king, for a reference of the matter to the lord-chancellor: whereupon, his lordship caused Mr. Edward Egerton to enter into a bond of 6,000 marks, to stand to his award: and an award being afterwards made, and refused by Edward, a suit was, by the lord-chancellor's direction, commenced against him, and the bond of 6,000 marks assigned over to Sir Rowland Egerton: and then it was, that Doctor Field advised Mr. Edward Egerton to apply himself to Mr. Damport and Sir John Butler, to solicit his cause for him, and drew Mr. Edward into a bond of 10,000 marks, for the payment of 6,000, as related already: and it being demanded of Damport, how much he and Doctor Field were to have of the money, he answered, he did not remember the certain sum; but it was more than any cause could deserve, in any court of justice.

That, in Awbrey's case, it appeared that Sir George Hastings, being at Hackney, where he dwelt, was sent for by the lord-chancellor: and when Sir George came, the lord-chancellor ordered every body else out of the room; and said,

"Sir George, I am sure you love me; and, I know, that you are not willing that any thing done by you should reflect dishonour upon me. I hear that one Awbrey intends to petition against me: he is a man that you have some interest in; you may take him off, if you please."

And that Sir George afterwards desired Awbrey to let him see his petition; and he shewed it to my lord; and his lordship promised to do him justice, but he could have no remedy, and so the petition went on.

That some time after, Sir George, discoursing with the lord-chancellor, told him, "He must lay it (the

business of Awbrey) upon his lordship;" to which my lord replied, "If you do, George, I must deny it, upon my honour."

Upon this report, it was moved that Sir George Hastings and Sir Richard Young might be sequestered from parliament, but they were permitted to keep their seats; and it was ordered, that the complaint of Awbrey and Egerton, against the lord-chancellor and the bishop for corruption, should be drawn up by Sir Robert Phillips, Sir Edward Coke, Mr. Noy, and Sir Dudley Diggs, and that the same should be related to the lords, without prejudice or opinion, at a conference.

The same day, the commons received a message from his majesty, in which he said, he was sorry to hear of the complaints against the lord-chancellor: It had always been his care, to advance the best men to places; though no man could prevent such accidents: but his comfort was, the house was careful to preserve his honour; and proposed a committee, of six of the upper house and twelve of the lower house, to examine the matter.

In answer to which, the commons desired the like message might be sent to the lords, that they might have a conference with them about it.

On the 20th of March, Sir Robert Phillips reported from the conference, that the lords demanded, if they would not reduce their complaint into writing: and it was resolved, that they would not; it only consisting of two or three points, clear and plain.

A message came from the lords, the same day, signifying that they had taken into consideration the last conference, and should need the testimony of two members of that house; desiring they might attend voluntarily, without order, as private persons, and give their testimony upon oath: and it was answered, that they would attend as private gentlemen, and be examined.

Sir Robert Phillips reported further, that the committee of the commons had examined Churchill, one of the registers in chancery; and it appeared that, the Lady Wharton having a cause depending there, an order was made for the dismission of her bill, by consent of the counsel on both sides, which the lady disliking, took Churchill into her coach, and carried him to the lord-

chancellor's; and so managed the matter, that the register was commanded not to enter the last order; and my lady being left at liberty thereby to prosecute her suit, brought it to a hearing, and obtained a decree.

That —— Keeling being examined, declared, that about the time of passing the said decree my lady took an hundred pounds, and carried it to York-house, to the lord-chancellor, in a purse; and, my lord asking her, "What she had in her hand?" she answered, "A purse of her own making," and presented it to him; who took it, and said, "What lord could refuse a purse of so fair a lady's working?" That, afterwards, my lord decreed for her; but the decree was not perfected till 200*l.* more was given, in the presence of one Gardiner.

Gardiner, Keeling's man, confirmed the payment of the 300*l.* for the decree, viz. 100*l.* first, and 200*l.* afterwards: and this purchased decree, being lately damned by the lord-chancellor, occasioned the lady's complaint.

Keeling added, that Sir John Trevor presented the lord-chancellor with 100*l.* by the hands of Sir Richard Young, for a final end of this cause: and Sir Richard Young declared, that, when he attended the lord-chancellor, Sir John Trevor's man brought a cabinet, and a letter, to my lord, and entreated him to deliver it, which he did openly.

On the 21st of March, 1620, Sir Robert Phillips reported, that they were informed of several other corruptions, by Keeling and Churchill; particularly, that his lordship had taken great sums in the causes of Hull and Holman, Wroth and Manwaring, Peacock and Reynell, Barker and Bill, Smithwick and Welch: that in this, and other causes, my lord would decree part; and, when he wanted more money, he would send for more, and then decree another part: and, in most cases, my lord's servants had undertaken one side or another; insomuch, that it was usual for counsel, when their clients came to them, to ask what friend they had at York-house?

It being ordered that a message be sent to the lords, by Sir Robert Phillips, to relate the case of the Lady Wharton, and the informations of Churchill, Sir Robert reported from the lords, that they acknowledged the

great care of the commons, returned them thanks for their correspondence, and assured the like on their part for ever.

The case of the lord-chancellor coming under debate in the House of Peers, the 19th of March, the lord-admiral presented a letter to that house, the same day, from his lordship, desiring them to excuse his absence, because he was so very ill that he thought he had but a little time to live; however, understanding there were some complaints of base bribery coming before their lordships against him, he would be glad to preserve his honour and fame, and therefore requested, 1. That they would preserve a good opinion of him till his cause was heard; 2. That they would give him time to advise with counsel, and put in his answer: 3. That he might be allowed to except against the witnesses, to cross-examine them, and produce his own witnesses; and, lastly, that their lordships would not be prejudiced against him from the number of complaints that should be exhibited, considering he did not make less than two thousand orders and decrees within the space of a year, and the courses that were taken to hunt out complaints against him; but that he might answer them separately, according to the rules of justice.

To this letter their lordships answered, that they intended to proceed in his cause according to the right rules of justice; and should be glad if his lordship should clear his honour therein: to which end they desired his lordship to prepare for his just defence.

Then the lords proceeded to examine the several complaints of the suitors, and reduced them to the following particulars, viz.

	l.	*s.*	*d.*
That in the cause between Sir Rowland Egerton and Edward Egerton, his lordship received on the part of Sir Rowland, before he decreed for him -	300	0	0
Of Edward Egerton, in the same cause - -	400	0	0
In the cause between Hody and Hody, a dozen of buttons, (after the cause ended) of the value of -	50	0	0
Of the Lady Wharton - - - - -	310	0	0
Of Sir Thomas Monk - - - - -	100	0	0
Of Sir John Trevor - - - - - -	100	0	0
Of one Young - - - - - - -	100	0	0
In Fisher and Wraynham. Of Fisher - - -	106	0	0

	£	s.	d.
In the cause of Kennedy and Valore. Of Kennedy a cabinet worth - - - - - - -	800	0	0
Of Valore, borrowed at twice - - - - -	2000	0	0
In the cause between Scot and Lenthall. Of Scot -	200	0	0
Of Lenthall - - - - - - - -	100	0	0
In Wroth and Manwaring. Of Wroth - - - -	100	0	0
Of Sir Ralph Hansby - - - - - -	500	0	0
Of the Lord Mountague, and more promised at the end of the cause - - - - - - -	700	0	0
Of one Dunch - - - - - - - -	200	0	0
In Reynell and Peacock. Of Reynell, 200*l.* in money, and a diamond, worth 5 or 600*l.* - 700*l.* or	800	0	0
Of Peacock - - - - - - - -	100	0	0
Of Barker - - - - - - - - -	700	0	0
There being a reference from his majesty to his lordship of a business between the grocers and apothecaries. Of the grocers - - - - - -	200	0	0
Of the apothecaries (besides a rich present of ambergrease) - - - - - - - - -	150	0	0
Of the French merchants, to oblige the London vintners to take 1500 tuns of wine - - - -	1000	0	0

And lastly, that he had given way to great exactions by his servants, in respect of private seals, and sealing injunctions.

On the twenty-fourth of April, the prince signified to their lordships, that the lord-chancellor had sent a submission, which was read in the house; wherein he tells their lordships, that having understood the particulars of the charge, not formally from the house, but enough to inform his conscience and memory, he found matter sufficient and full, both to move him to desert his defence, and to move their lordships to condemn and censure him.

Neither would he trouble their lordships with singling out those particulars which might be most easily answered, or prompt their lordships to observe upon the proofs, where they came not home; or with scruples touching the credit of the witnesses; nor would he observe how far a defence, in divers things, might extenuate the offence, in respect of the time or manner of the gift, but leave those things to their own observations on the evidence; and submitted himself wholly to their pity and grace.

He made it his humble suit to their lordships, that his penitent submission might be his sentence, and the

loss of the seal his punishment: that their lordships would spare any farther sentence, and recommend him to his majesty's grace and pardon for all that was past.

The lords having considered this submission, and heard the particulars of the corruptions charged on the lord-chancellor, with the proofs; they sent a copy of them, without the proofs, to the lord-chancellor, and the following message, viz.

That his lordship's confession, in the said submission, was not full, for three causes.

1. His lordship confessed not any particular bribe or corruption.

2. Nor shewed how he heard the charge thereof.

3. The confession was afterwards extenuated, and therefore the lords had sent him a particular of the charge, and expected his answer to the same with all convenient expedition.

To this message, the lord-chancellor answered, he would return the lords an answer with speed.

On the twenty-fifth of April, the lords sent the lord-chancellor another message, by Mr. Baron Denham and Mr. Attorney-General, (viz.) that they had received a doubtful answer to their message, sent him the day before; and therefore desired to know, directly and presently, whether he would make his confession, or stand upon his defence.

To which the lord-chancellor answered, by the same messengers, that he would make no manner of defence, but acknowledge corruption, and make a particular confession to every point, and after that an humble submission; but begged leave, where the charge was more full than the truth of the fact was, he might declare the truth in such particulars. And the lords allowing him time, till Monday the thirtieth day of April, to send his confession and submission, the lord-chancellor then sent it accordingly.

It was directed, "To the right honourable the lords spiritual and temporal, in the high court of parliament assembled;" and styled, "The humble confession and submission of me, the lord-chancellor."

1. To the first article he confessed, "That upon a reference from his majesty, of all suits between Sir Rowland Egerton and Edward Egerton, both parties submitted to his award, by reci-

procal recognizances in ten thousand marks a-piece: that, after divers hearings, he made his award, with the advice of Lord Hobart; and some days after, the 300*l.* mentioned in the charge, were delivered to him from Sir Rowland. That Mr. Edward Egerton flying off from the award, a suit was begun in chancery by Sir Rowland Egerton, to have the award confirmed; and a decree was made thereupon. "

2. To the second article, he confessed, "That soon after his coming to the seal, when many presented him, he received the 400*l.* mentioned in this article, of Mr. Edward Egerton; but as he remembered, it was for favours past."

3. "That in the cause between Hody and Hody, about a fortnight after the cause was ended, there were gold buttons, about the value of 50*l.* presented him.

4. "That in the cause between the Lady Wharton and the coheirs of Sir Francis Willoughby, he received of the Lady Wharton 200*l.* in gold, and at another time an hundred pieces, while the cause was depending.

5. "That he received of Sir Thomas Monk one hundred pieces, but it was long after his suit was ended.

6. "That he received of Sir John Trevor, as a new-year's gift, 100*l.* but he confessed it was while his cause was depending.

7. "In the cause between Holman and Young, he received of Yóung 100*l.* but it was long after the cause was ended.

8. "That while the cause was depending between Fisher and Wrenham, (or Wraynham) he did receive of Sir Edward Fisher a suit of hangings, of the value of about 160*l.* towards furnishing his house; and was at the same time presented by others, who were no suitors, with furniture for his house.

9. "As to the charge of his receiving a cabinet, of the value of 800*l.* of Sir John Kennedy; a cabinet was indeed sent to his house by Sir John, but not of half that value; but he refused to accept it, and was determined to send it back again! that one Pinkney, who stood engaged for the money to pay for the cabinet, desired he might have it; and thereupon Sir John entreated his lordship, that he would not disgrace him by returning the gift, much less put it into a wrong hand; and that he was ready to return it to whom their lordships should appoint.

10. "He confessed he had borrowed 2000*l.* of Vallore; but looked upon it as a debt, and was obliged to repay it.

11. "He acknowledged his receiving 200*l.* of Mr. Scott, about a fortnight after the decree passed for him.

12. "That he received 100*l.* of Sir John Lenthall, about a month after the decree passed.

13. "That the cause between Wroth and Manwaring was ended by his arbitrement, by consent of parties, and he received of Mr. Wroth 100*l.* about a month after the cause was ended.

14. "That he received of Sir Ralph Hansbye, while his cause was depending, 500*l.*

15. "That he did borrow the 500*l.* mentioned, in this article,

of Compton; but looked upon it as a debt, which he was obliged to repay.

16. "In the cause between Sir William Brounker and Awbrey, he did acknowledge his receiving 100*l.* of Awbrey.

17. "He confessed he received money of the Lord Mountague, while his suit was depending, to the amount of 6 or 700*l.*

18. "He confessed his receiving 200*l.* of Mr. Dunch; but thought it was some time after the decree.

19. "He confessed his receiving 200*l.* of Sir George Reynell, his near relation, at his first coming to the seal, to be bestowed in furniture; but thinks this was before any suit began: and as to the diamond-ring, he received of him, while his cause was depending, charged to be worth 5 or 600*l.* it was not of near that value; though he confessed it was too much for a new-year's gift.

20. "He confessed his receiving of 100*l.* of Mr. Peacock, at his coming to the seal, as a present; and that he afterwards borrowed 1000*l.* of him, at twice; for which, he said, he would take no security or interest, and gave him his own time for repaying it.

21. "He confessed his servant Hunt did receive 200*l.* of Smithwick; but that he ordered it to be repaid.

22. "That he did receive of Sir Henry Ruswell 3 or 400*l.* about a month after the cause was decreed; in which decree he was assisted by two of the Judges.

23. "He confessed he received of Mr. Barker the 700*l.* mentioned in this article, some time after the decree passed.

"As to the 24th, 25th, and 26th articles, he confessed he received the several sums therein mentioned, viz., of the grocers 200*l.*; of the apothecaries, that stood with the grocers, a tester of gold worth 4 or 500*l.* and a present of ambergrease; and of a new company of apothecaries, that stood against the grocers, 100*l.* but this was no judicial business, he observed, only a composition between the parties; and he thought, as they all received benefit by it, and were all three common purses, there was no great matter in receiving what they voluntarily presented.

"As to the 27th article, in which he is charged with taking of the French merchants 1000*l.* to constrain the company of vintners to take 1500 tuns of their wine, with threatening and imprisoning the vintners because they would not take their wines at higher prices than they were vendible; he confessed, Sir Thomas Smith did deal with him in behalf of the French company; informing him, that the vintners, by combination, refused to take their wines at any reasonable prices; and that this would destroy their trade, which the state was concerned in; and that the company would gratify him with 1000*l.* for the trouble he should take in it. He did, he confessed, thereupon endeavour to compromise matters between them, and prevent a suit, propounding such a price as the vintners might gain 6*l.* a tun: and the king afterwards recommending the business to him as a matter that concerned his customs, he dealt the more peremptorily in it, and did for a day or two restrain some of those that were the most stiff in a messen-

ger's hands: and afterwards the merchants presented him with 1000*l.*

"To the 28th article, that he had given way to the exactions of his servants, in respect of private seals and injunctions, he confessed it to be a great fault, that he had looked no better to his servants.

"And now he again confessed, that in the points charged upon him, though they should be taken as he had represented them, there was a great deal of corruption and neglect, for which he was heartily sorry, and submitted himself to the mercy of the court.

"He desired that their lordships would look with compassion on his person and estate, and consider he was never esteemed an avaricious man; that there were few or none of these particulars that were of less than two years standing; from whence he insinuated, that he had reformed these practices, instead of increasing his corruptions; and his estate was so inconsiderable, that his chief care was, how he should be able to pay his debts.

"Concluding with his humble suit, that their sentence might be mixed with mercy; and that they would be intercessors for him to his majesty for his grace and favour.

Your lordships'

Humble servant and supplicant,

Signed, FRANCIS ST. ALBANS, Canc.

A committee of lords was hereupon sent to the lord-chancellor, to acquaint him that they conceived this to be an ingenuous and full confession, and to demand, whether that was his hand to it, and if he would abide by it. To whom the lord-chancellor answered, "My lords, it is my act, my hand, my heart: I beseech your lordships to be merciful to a broken reed."

Which answer being reported to the house, they moved his majesty to sequester the seal; and the king thereupon gave it to the lord-chief-justice Sir Robert Hutton, on the first of May.

The next day the lords commanded the gentleman-usher, and serjeant-at-arms, of that house, to summon the late lord-chancellor to appear in person before their lordships by nine the next morning; and that the serjeant should shew his mace to his lordship at the time of the summons; which was done accordingly: but they found him sick in bed; and he protested his illness was not feigned, and that if he had been well, he would willingly have come.

On Thursday, the third of May, the lords sent a message to the commons, importing, that they were ready to give judgment against the Lord Viscount St. Albans: whereupon the Commons came up, and their speaker said,

" The knights, citizens, and burgesses of the Commons House having made complaint to your lordships of many exorbitant offences of bribery and corruption committed by the late lord-chancellor, in their name I do humbly pray and demand judgment against him, as the nature of his offence and demerits do require."

The lord-chief-justice (to whom the custody of the seal was now committed) answered, that that high court had found the Lord Viscount St. Albans guilty of the crimes and corruptions complained of by the commons, and of sundry other crimes and corruptions of the like nature; and that he having excused his attendance on account of sickness, they did nevertheless proceed to judgment; and that high court did adjudge,

" *That the Lord Viscount St. Albans, late lord-chancellor of England, should pay a fine of forty thousand pounds; be imprisoned in the Tower during the king's pleasure, and be for ever incapable of any office, place, or employment, in the estate or commonwealth; and that he should never sit in parliament, or come within the verge of the court.*"

The king some time after released his lordship out of the Tower, and settled a small pension on him.

Other marks of favour and indulgence were shewn to him, which, amidst the anguish of a blasted character, so far appeased his troubled mind, that he resumed his studies with his accustomed vigour. When the new parliament was called, in which the House of Commons shewed great zeal for his majesty's service, he interested himself in the question on war with Spain; and his exertions being well received, upon application to the king for pardon, he easily obtained it; and in the warrant for this purpose, his majesty took notice of his lordship's having already satisfied justice by his sufferings, and was pleased to remove from him that blot of ignominy which yet remained upon him, of incapacity and disablement, and to remit him all penalties whatsoever, inflicted by that sentence.

In consequence of this pardon, Lord Verulam was summoned to the second parliament in the reign of Charles I. but his infirmities did not allow him to take his seat, and he died at the Earl of Arundel's seat at Highgate, April 9, 1626.

FRANCIS RAVAILLAC,

FOR THE MURDER OF HENRY IV. 1610.*

On May 17, 1610, *Francis Ravaillac was indicted for the murder of Henry IV. of* FRANCE, *at the suit of the attorney-general, by Achilles de Harlay, first president; Nicholas Potier, president; John Courtin, and Prosper Bavin, being commissioners appointed by the Court for that purpose; when the following questions were put to him.*

HE said that his name was Francis Ravaillac, born and dwelling at Angoulême, between thirty-one and thirty-two years of age.

Asked if he was married?—"No."

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* Henry, on May 17, 1610, was on his way to the Duke of Sully. His carriage was stopped, and was under the influence of a prediction, for many believed then in astrology, just as they now (1824) believe in the equal absurdities of attraction and repulsion.

As he was going into his coach, M. de Vitry approached, and asked his majesty if it was his pleasure that he should attend him. "No," replied the king. "Permit me, sire," said Vitry, "to send the guards with your majesty."—"No," returned the king, "I will neither have you nor your guards; I will have none about me." Then entering his coach, and reflecting, as it is supposed, upon the fatal predictions of the day, which they had put into his head, he asked what day of the month it was. "Sire," said one, "it is the 13th."—"No," said another, "it is the 14th."—"You are right," said the king; "you know your almanac better than him;" and laughing, "between the 13th and 14th," said he; and then ordered the coach to go on.

He said to the coachman, "Carry me but from hence." When he came over against the Hotel de Longueville, he sent back all his attendants; and, being asked where the coach should go, he said, to the Croix-du-Tiroir; and, when there, he ordered it to drive to the church-yard of St. Innocent. Ravaillac staid a long time at the Louvre, sitting upon the stones at the gate, where footmen waited for their masters. He designed to have given the blow between the two gates, the place where he stood affording him some advantage: but he found the duke of Epernon on that side where he expected the king would have been.

The coach turned from the street St. Honore into that called Ferronnerie, which was then very narrow, and made more so by the

Whether he ever had been married?—He answered "No."

How he had spent his youth? and to what he had applied himself?

He said, that he had been employed in soliciting law-suits in this court.

How long he had been in this city the last journey?—He said, "about three weeks."

Whether he had any intention to go back again?—He said, "Yes."

How far had he gone back?—He said, he had gone beyond the town of d'Estampes, at the sign of the *Ecce Homo*."

He was asked, what made him return?—He said, "a desire to kill the king."

He was asked, what was his motive?—He answered, "that amongst other reasons there was this, that the

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little shops erected against the wall of the church-yard of St. Innocent. A little embarrassment was occasioned by the meeting of two carts, one laden with wine, the other with hay; so that the coach was obliged to stop in a corner of the street, over against the study of a certain notary, whose name was Poutrain. The footmen took a nearer way, that they might with less difficulty come up with the coach at the end of the street; so that there were only two which followed the coach, and one of these went to make way for it to go on, while the other in the mean time took that opportunity to fasten his garter.

Ravaillac, who had followed the coach from the Louvre, perceiving that it stopped, and that there was no person near it, advanced to that side where he observed the king sat. His cloak being wrapt round his left arm, served to conceal the knife, which he held in his hand; and sliding between the shops and the coach, as if he was attempting to pass by, like others, he supported one foot upon one of the spokes of the wheel, and the other upon a stone, and, drawing a knife edged on both sides, gave the king a wound a little above the heart, between the third and fourth rib. His majesty had just then turned towards the duke of Epernon, and was reading a letter; or, as others say, leaning towards the marshal Lavardin, to whom he was whispering. Henry, feeling himself struck, cried out, "I am wounded;" and, in the same instant, the assassin perceiving that the point of his knife had been stopped by a rib, he repeated the blow with such quickness, that not one of those who were in the coach had time to oppose, nor even to perceive it. Henry, by raising his arm, gave a fairer aim for the second blow, which went directly to his heart; and near

king had not, as he was able to do, brought back the followers of the pretended reformation to the Catholic, Apostolic, and Roman church.

He was asked, what other reasons he had?—He answered, "that he was come to this city to speak to the king, and admonish him to bring back those of the pretended reformed religion to the Catholic church; and for that purpose he had been several times at the Louvre to meet with his majesty; that he had been at madam d'Angoulême's, to get somebody to introduce him; and likewise at the house of the cardinal Du-Perron, to whom he never spoke, but only to his chaplains, whose names he could not tell, but should know them if he saw them; that he spoke of it to father Daubigny, a jesuit, in his last journey, which was before Christmas; he spoke of it to the parson of Saint-Severin, and to the father Saint-Mary-Magdalen, provincial of the Feuillants."

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the auricle of the heart; so that the blood gushing out of his mouth, and from his wound, the unhappy prince expired, breathing a deep sigh. The murderer aimed a third stroke at him, which the Duke of Epernon received in his sleeve.

St. Michel, one of his majesty's gentlemen in ordinary, had drawn his sword to kill the assassin, when the duke of Epernon called out to him, and to the footmen, who had the same design, to stop at the peril of their lives: to secure his person, but to take care not to do any thing more. St. Michel snatched the knife out of Ravaillac's hand, count de Curson struck him on the throat with the pommel of his sword; and La-Pierre, exempt of the guards, seized him, and put him into the hands of the footmen, who delivered him up to Montigny.

The six lords, who were in the coach, got out immediately with such precipitation, that they hindered each other from seizing the parricide. One of them perceiving that the king spoke no more, and that the blood came gushing from his mouth, cried out, 'The king is dead.' These words immediately occasioned a great tumult. The people, who were in the streets, threw themselves into the nearest shops, one upon another, with such terror and dismay, as if the city had been taken. The Duke of Epernon suddenly bethought himself of saying that the king was only wounded, and had fallen into a swoon. They desired some wine; and, while some of the inhabitants ran eagerly to get it, they shut up the coach-doors, and told the people, that the king was only wounded; and that they were carrying him in haste to the Louvre to get his wound dressed.

It was asked him, where he spoke to father Daubigny? —He said, "he spoke to him in the church in Saint-Antony's-street, at the conclusion of mass."

He was asked at what time he talked to him?—He said, "that he set out from his own country thirteen days before Christmas; that he was fourteen days in coming to Paris; that three or four days after his arrival, he went to the house of the Jesuits near Saint-Antony's gate, where he said father Daubigny said mass; after which, he desired one of the lay-brothers to procure him the means of speaking to the said Daubigny, which he did; and he told him several visions which had preceded the meditations that he had made by the permission of his provincial, Francis Mary Magdalen of the Feuillants.

On being asked, why he used the expression "My provincial?"—He said, "because the said Mary Magdalen had received him as lay-brother at the Feuillants."

It was asked how long he had wore the habit of a Feuillant? and why he had quitted it?—He said, "that he had worn it about six weeks; and they had taken it from him, because he had visions in his meditations."

On being asked again about it, he said he had desired it again, but it was refused him on account of the said meditations.

Upon this he began to weep, and said, "God had given him that habit, and his grief was, that they would not restore it to him."

He was asked, if he knew the superior, and his name? —He said, "that he did not know him nor his name; but that he had asked for the habit again, only because it being our Lord's pleasure that he should continue in the world, from which it was his wish to retire, he resolved to serve as a lay-brother."

This he uttered with tears.

He said, "that he had a great deal of uneasiness, in not having stayed with the Feuillants in the favour of God."

He was asked, what visions he had spoken of to father Daubigny?—He said, "that he had told him, that while he was a prisoner for debt at Angoulême he had visions representing fire, sulphur, and incense; and being re-

leased from prison, the Saturday after Christmas, having at night made his meditation, as was his custom, in bed, with his hands clasped, and his feet crossed, he felt his face and his mouth covered with something which he could not discern, because it was midnight; and being in that state, he felt in himself a desire to sing the psalms of David; he begun the psalm, *Dixit Dominus*, and sung it through; and, afterwards, *Miserere*, and *De profundis*, at full length; and that it seemed to him that he had a trumpet in his mouth, which made a sound as loud as that which is made in war.

The next day in the morning, as soon as he got out of bed, having made his meditation on his knees, and recollected in God, as his manner was, he sat down in a low chair before the hearth, and having combed his head, it being not then light, he perceived one of the sticks yet on fire; and having finished dressing himself, he found part of a bundle of twigs, which he put to the stick that had kept fire, and kneeling down upon the ground, set himself to blow it, when immediately, on both sides of his face, both to the right and to the left, he saw, by the glimmering of the fire which was produced by his breath, hosts like those which are used at the communion of Catholics in the church of God; and below his face, at the right side of his mouth, he saw a roll of the same size with that which the priest elevates at the celebration of divine service. Of this revelation he gave an account to father Daubigny, who, fearing that his head was disordered, told him that he was not to think of all this, but to tell his beads, and pray to God: but that he was determined in his own mind to address himself to some great man to speak to the king.

It was enquired, if he had asked Daubigny whether, if he should have visions that incited him to kill the king, he ought to confess them?—He answered, "that he had said nothing to him but what he had already told, except that his purpose was to speak to the king to drive out all the followers of the pretended reformed religion, and convert them to the Roman Catholic church."

It was asked, what Daubigny said to this?—He said, "that he should put all these things out of his head, say his prayers, and tell his beads."

It was asked, whether he had no other conversation with him? and whether he never saw him but that time?—He answered, "No."

Why did he chuse to address himself to Daubigny rather than to any other?—He answered, "that it was because, when he was turned out of the feuillants, he had a mind to become a jesuit, or to intreat him to speak to his provincial to replace him among the feuillants; but that, not having found him the first time, one of the lay brethren told him, that they never received into their house those who had been in another order."

He said farther, "that, not having been able to speak to the king, he went back to the jesuits to speak a second time to the said Daubigny, and spoke to him as he has already said, and shewed him a little knife on which there was a heart and a cross, telling him, that the heart of the king should be disposed to make war amongst the huguenots."

He was asked, what hindered him from speaking to the king?—He said, "that it was the grand provost who had given him the torture with the gun while he was kept prisoner at the Hôtel de Retz."

He was asked to whom he had applied himself that he might speak with the king?—He said, "to the archers, and they carried him to speak to the provost, who told him that the king was sick."

He was asked, when he was at the Louvre?—He said, that it was after Christmas, and some two or three days afterwards he met his majesty near St. Innocent's in his coach, and, desiring to speak to him, he cried out in these words:—"Sire, I speak to you in the name of our Lord Jesus, and of the Holy Virgin;" but the king put him back with a little stick, and would not hear him. He then thought of retiring into his own country, and went away. And, being at Angoulême, he went to look for friar Gilles there, who had been formerly visitor of the franciscan friars in Paris, to whom he confessed his visions and meditations, telling him, that he saw it to be the will of our Lord to bring back the followers of the pretended reformation to the Catholic church: that the visitor told him he need not doubt of it. A few days afterwards, and the first Sunday in Lent, he went to mass at the monastery of the franciscan friars in An-

goulême, where he reconciled himself with God, made his confession to a friar of the order, whose name he does not know, and in his confession told the voluntary murder."

He was desired to explain what he meant by the word voluntary?—He said, "his meaning was, that he returned into this city with an intention to murder the king, which, nevertheless, he did not tell his confessor, who did not ask the meaning of those words."

Upon being further questioned, he said, "that he had then lost that intention, but that, when he returned to this city, he resumed his intention."

He was asked, when he came to this city?—he said, "that he travelled on foot, and arrived eight days after his setting out."

He was asked, how he had employed himself during his stay in Paris?—he said, "that he lodged at the Three Half Moons, in the suburbs St. James; and, afterwards, that he might be near the Louvre, he went to lodge at the Three Pigeons, in the suburb St. Honore; from thence he went to take a lodging at an inn, near the *quinze vingts*, but, there being too many guests there, he was refused; upon which he took up a knife that lay upon a table, not upon account of his being refused a lodging, but because it seemed to him a very fit one for the execution of his design, and he kept it for some days, or three weeks, in a bag in his pocket."

He farther said, "that having desisted from his intention, he set out upon his journey home, and went as far as Estampes; that, as he was walking, he broke the point of the knife against a cart near the garden of Chanteloup, and, coming opposite to the *Ecce Homo*, of the suburb of Estampes, he again took it into his head to kill the king, and, no longer resisting the temptation as he had done formerly, he returned to Paris with that resolution, because the king did not convert the followers of the pretended reformation, and because he had heard it reported, that the king intended to make war upon the Pope, and transfer the seat of the holy see to Paris."

He was then asked where he lodged? and who procured him lodgings in this city?—he said, "that he

sought for an opportunity to kill the king; and that, for this purpose, he sharpened, with a stone, the point of the knife, which had been broken, and waited till the queen was crowned, and returned to the city, supposing that there would not be so much confusion in France, if he killed the king after her coronation, as if he had done it before."

He was told, that, since he deferred killing the king through a hope that there would be fewer commotions after the coronation, the said coronation could not prevent the troubles which the king's death must necessarily bring along with it.—He said, "then he submitted that to the will of God."

He was asked, where he went to meet the king?—He said, that "he went to the Louvre, where he had been several times since he had resolved upon killing him; that he went there Wednesday previous, and intended to kill him between the two gates, as he was going into his coach; that he followed him as far as St. Innocent's, near the place where he happened to meet him before, when he would not speak to him; and observing that the coach was stopped by two carts, and that his majesty turned his face and leaned towards that side where monsieur d'Epernon sat, he struck him twice in the side with his knife, passing his arm above the coach-wheel."

He was asked, what was his own opinion of the action he had committed?—he said, that "he thought he had committed a great fault, for which he asked pardon of God, of the queen, the dauphin, the whole court, and of every one who was injured by it."

The knife, which lay before us, was then shewn to him: it was double-edged at the point, with the handle made of a stag's horn. He acknowledged it to be the same with which he had stabbed the king, and that it was immediately taken from him by a gentleman on horseback.

He was told, that he could have no reason for committing so wicked and traitorous an act, and that he had certainly been incited to it by some other person?—he said, that "no person whatever had incited him to do it, but the common discourse among the soldiers,

who said, that if the king, who would not tell his design to any one, intended to make war upon the holy father, that they would not assist him, although they were to die for it: that for this cause he yielded to the temptation which prompted him to kill the king, because he made war against God, inasmuch as the Pope is God, and God the Pope."

He was asked, what time it was that he heard this discourse amongst the soldiers?—" he said, " that it was after he went to lodge at the Three Half Moons."

He then desired that a paper might be shewn to him which he had about him at the time he was seized, whereon was painted the arms of France, with a lion on each side; one holding a key, the other a sword. This paper was shewn to him, and he acknowledged it to be the same which he had brought with him from Angoulême, with an intention to kill the king.

He was asked, whether, when he was at the house of a man whose name was Beliard, he had heard the said Beliard say, that the Pope's nuncio had told the king, in the name of his holiness, that, if he made war, he would excommunicate him?—he said, " Yes; and also that his majesty had answered, that it was his predecessors who had placed the popes upon the throne; and that, if the holy father should excommunicate him, he would dispossess him of it; whereupon he resolved to kill the king, and with that intention he wrote these lines over the two lions:—

Ne souffre pas qu'on fasse en ta presence
Au nom de Dieu aucune irreverence.

Do not suffer the name of God to be profaned in thy presence.

He was asked, whether the knife, when he took it off the table, had the same handle that it now has?—he said, " No; that the handle was of whalebone, which, being broken, he gave the knife to his landlord's brother, whose name was John Barbier, a turner by trade, living in the suburb of St. James, and desired him to put a handle of horn upon it; but he did not tell him why he preferred that to any other."

He was asked, if this Beliard was of the pretended reformed religion? he said, "No; that he was a Catholic: nevertheless, he held that discourse with him which put it into his head to kill the king."

He was told, that he ought not to have taken so wicked and abominable a resolution upon the discourse of one man only.—He said, "he had taken a resolution to kill the king, not only upon what he had heard this man say, but also upon the discourse of the soldiers at Paris, and that of the Sieur de St. Gorges, among others, who said, that, if the king would make war upon the holy father he would obey him, being thereto obliged; and that, if the king did wrong, he only was to answer for it."

A heart of cost-mary root was then shewn to him, which he acknowledged to have been taken from him; and which he said had been given him by Monsieur Guillebaut, canon of Angoulême, to cure him of a fever, saying, that there was within it a little bit of wood of the real holy cross, consecrated by the capuchin friars, which had that virtue; and for that purpose he had sent Mary Moseau, his landlady, to the capuchins for it, and ever since he had worn it about his neck.

It was ordered to be opened in his presence; but there was no wood to be found in the inside. Upon which he said, "that it was not him who was deceived, but the person who gave it him."

A pair of beads was then shewn to him, which, he said, he had bought in St. James's-street seven or eight days ago; that he had said his prayers with them, and worn them ever since constantly.

He was asked, what persons he kept company with after he had resumed his intention to kill the king?—he said, "he kept company with none but the friars of his own country, who were at the convent of the dominican friars, whither he used to go to hear mass and vespers."

On being asked, what discourse he had with them? and if he had spoken to them of his visions?—he said, "that he had told them what he had told to others."

He was asked, if he was acquainted with a man whose name was Colletet? and what discourse they had had

together?—he said, "that he knew him only by lodging in the same room with him; that they lay together, but that he had not spoken to him of his design."

He was asked, if he had had any discourse with any other friars?—he said, "not in this last journey."

If he had had any discourse with a franciscan friar of Angoulême?—he said, "Yes; but that he had not spoken to him of his enterprise, and of his intentions."

He was told, that he did not say the truth; for that he had spoken to him of his intentions, asking his opinion whether he, who had such intentions, ought to declare them to his confessor.

To this he answered, "that he had not spoken to a franciscan of his own country, but to another whom he met near Bour de La-Royire, with whom he joined company; and, because he had no acquaintance in this city, he gave him part of his own lodgings, and carried letters from his friends to procure him admission into the convent: that he also carried his bundle for him, and that the name of this friar was Le-Febure."

He said, that, since he had been under confinement, he had been urged by several persons to make confession, and even by the archbishop of Aix; but that he had been prompted by no person whatever, except by his own desires; and that, however he might be tormented, he should never say any thing else; that, if torments could have forced him to confess, he had suffered sufficiently by the torture which a huguenot of his own private authority gave him, when he kept him prisoner at the Hotel de Retz, by which he had the bone of his thumb broke.

He was told, that he had been chosen to commit this punishment as a proper instrument of mischief; he whose whole life had been wicked, and who had begun with ill-treating a father and a mother, and reducing them to beggary.

He said, that it would not be found so; and that his father and mother, who were still living, would witness the contrary, as well as the people where he dwelt; that he had been indeed accused and condemned for it; but it was by false witnesses; for he was innocent.

On the following morning, the examination was resumed at the palace, by the commissioners, in the absence of the president, who was indisposed.

The prisoner being sent for as before, and sworn;—

He was asked, what was his rank and condition? and if he had a father or a mother alive?—he said, that "he was a practitioner of the law, and that, before his confinement, he employed himself in instructing youth; and that his father was likewise a practitioner of the law, and that his mother was separated from his father."

The commissioners having ordered his examination to be again read to him, he persisted in his answers, without adding or diminishing any thing, except that he omitted saying, as he subsequently did, that he had been persuaded to the commission of that crime, because the king would not permit justice to be done towards the huguenots, for the attempt they made, last Christmas, to murder all the Catholics, for which attempt many of the huguenots had been taken prisoners, and brought into the city; yet, he had been told, by several persons, that they were not punished.

He was told, that this was false; and that, although he had heard it, he should not have believed it, nor have been induced to commit so wicked and abominable a deed.

He said, that this was one of the circumstances which helped to strengthen the temptation.

He was told, that it was the advice and instruction of others which strengthened it, and said, "that no one was engaged in the design but himself."

He was asked, if he lived in the same country with his father and mother?—he said, "that he had lived with his father and mother, but that neither his father nor his mother loved him."

On being asked, how he maintained himself?—he said, "that he had eighty scholars, and that, with what he gained from them, he supported himself in the journies he had made to Paris."

He was asked, if his father and mother observed his conduct?—he said, "that his father had not lived with them these six years; that he hated him; and that he

had lived with his mother only, his sisters having likewise left her."

He was asked, what means he had of living?—he said, "that his father and mother lived upon alms, and he himself upon what he gained from his scholars, one of whom gave him bacon, another flesh, another corn, wine, &c. and by what his friends furnished him with."

He was asked who were his friends?—he said, "that they were the fathers and mothers of his scholars."

He was asked why he did not stay in his own country, since he could get a livelihood there?—he said, "that he thought he should prefer the honour of God to all things."

He was told, that it was not for the honour of God to kill his king, but that it was an act of the devil.

He said, "that it was a wicked temptation, which did not proceed from God, but was a punishment to him for his sins."

He was asked, if he was not filled with horror at the commission of an act so abominable, and of so fatal consequence to all France?—he said, "that he was sorry for having committed it, but that since it was done. he implored God to give him grace, that he might be able to continue till death in good faith, lively hope, and perfect charity; and that he hoped God was more merciful, and his will to save him more powerful, than the act which he had committed was to damn him."

He was told, that he could not be in the grace of God, after having committed so wicked an action. He said, that he hoped the all-powerful Lord would not make him suffer for it.

He was told that he ought not to hope for the mercy of God, unless he acknowledged the truth, and declared who the persons were who had incited and persuaded him to so wicked a deed. He said, that his only reason for committing it was, what he had declared before at his examination.

He was asked if he had imparted his intention to any one? he said — "that he had not to any person whatever."

He was told, that he was too mean and inconsider-

able a person to have conceived such a design, and that he must have been advised and supported by others. He said, that no person had advised him.

He was told, that he was so much the more wicked, if he undertook such an enterprize without being advised to it; therefore, he would do well to declare who were his advisers.

To this he answered, that the reason why he did not declare this pernicious intention to priests, and men who have the care of souls, was, that he was well assured if he had disclosed to them his design of killing the king, it was their duty to seize his person, and put him into the hands of justice; since, whenever the public was concerned, priests were obliged to reveal all confessions; for this reason, therefore, he would not open himself to any person, through a fear that he might be punished with death, as well for his intention of killing the king, as if he had really done it, for which he asked pardon of God.

He was told, that the church commanded, that all evil thoughts should be revealed in confession, and to neglect it was a deadly sin. He said, that he acknowledged this.

He was told that he had mentioned it. He said he had not.

He was asked, if he had spoken of it to a franciscan friar? he said, "No."

He was told, that he did not speak the truth, for that he had mentioned it to a franciscan friar, asking him, whether, if a man had strange visions, such as to kill the king, he ought to declare them in his confession? he said, that it was true he had consulted a friar upon this head, but did not tell him that he would do it.

He was asked, who it was that he consulted? he said, a young franciscan friar, named Le-Febure, to whom he put this question, Whether if a man was assaulted with a temptation, such as to kill a king, and should confess it to the penitentiary, he should be under the necessity of revealing it; but being interrupted by another friar, he could not know the friar's opinion concerning the case that he put to him.

He was told, that he did not say the truth, and that the franciscan made him an answer; and he was asked, if he would believe the franciscan if he owned it? he said, that he would not believe him; but that it was his opinion, that if the friar had given him an answer, it was, that he ought to reveal his intentions; but he was interrupted, and therefore would not give him an answer; neither did he, (the accused) propose the question to him, as if he was the man who had the temptation, but in general, as if it should happen to any man.

He was told, that he did not acknowledge the truth, and that he declared his intentions to him. He said, that it was very unlikely that he should do so; that he had applied, as well to lay-men as to others, even to an equerry belonging to Queen Margaret, whose name was De-Ferrare; he declared his visions to him, and intreated him to procure him an opportunity to speak to the king; that the equerry answered, he must first have proofs that he was a good man, and one who was fit to speak to the king: to which he, (the accused) made answer, that he thought he was good enough to speak to the king. He added, that probably if he had spoken to his majesty, he would have lost his temptation. That he afterwards applied to the secretary of madame de Angoulême, who told him the king was sick; yet he went again to the house of the cardinal Du-Perron, where he had the answer he formerly repeated, that he would do better to return to his own house.

He was told, that that was good counsel, and he ought to have followed it. He said that was true, but he was so weakened by his sins that he had no power over himself; and that the devil made him fall into this temptation.

He was told that the devil made use of others to tempt him. He said, that no man had ever spoken to him on the subject.

He was told, that he could not hope for the grace of God, unless he discharged his conscience. He said, that he had some fears, but he also had great hopes of the grace of God.

He was told, that he could not expect it but by de-

claring the truth. He said, that if he had been employed by any one in France, or by a foreigner, and should be so abandoned by God as to die without declaring it, he should not believe that he would be saved, or that there would be any paradise for him, because *abissus abissunt*, &c. as he had learned of the preachers of our Lord; that one abyss of sins leads into others; that it was to double his crime, that the king, more especially the queen, the whole house of France, the court, the nobility, and all the people, should, on his account, be induced to offend God, while their minds remained in perpetual inquietude, suspecting, unjustly, sometimes one, sometimes another, of their subjects; none of whom, he believed, were so imprudent as to entertain a thought of being disloyal to their princes.

He was told, that if that was his opinion, he ought the more readily to declare who had persuaded him to the crime. He said, that no Frenchman, foreigner, or any other, had ever advised, persuaded, or spoken to him on this subject; neither had he, (the accused) ever mentioned it to any one: he was not so wicked as to have committed that deed for any other cause than what he had declared, namely, that he believed the king intended to make war upon the Pope.

He was told, that this was a false pretence. He said, he was very sorry for what he had done, and that he earnestly begged of every one to lay aside their suspicions of his having been set on to murder the king, and to believe that he only was concerned in that deed; and that they would not look with an evil eye, or bear any one ill will, since he alone was guilty.

He was asked, if he had ever been in service? he said, that he had served the late monsieur Rosieres, a counsellor of Angoulême; and that he had lived likewise with some attorneys, who were now dead.

He was asked, if he had ever served any nobleman, as a page, footman, or valet-de-chambre? he said that he had not; but when he lived with counsellor Rosieres, as his clerk, he likewise served him as a valet-de-chambre.

He was asked, if he had seen the coronation last Tuesday, and if he had followed the king. He said he had not.

He was asked, if he had been on the road to Saint Dennis? he said, not this last journey, but at Christmas last, when he went to beg alms of the bakers.

He was asked, if he had been there last week? he said, he had not gone farther than Saint-Jeanen-Greve, and the Pont Notre-Dame.

He was asked, if he had any magical characters about him? and who had given them to him? he said, he should have thought it a wicked thing to have had them.

His examination being read to him, he persisted in his answers, and signed his name,

RAVAILLAC.

Underneath which he wrote these lines:—

Que toujours en mon cœur
Jesus soit le vainqueur.

In my heart let Jesus be always conqueror.

On Father James Daubigny, priest of the college of Jesuits, being sent for into court by the commissioners, in the presence of Ravaillac, the said Ravaillac acknowledged that the said father Daubigny was the person whom he had heard say mass some time after Christmas, in their church in Saint Antony's street; that having been told he was the friend of father Mary Magdalen the Feuillant, he went to seek him, to intreat him to procure his admission into that order; that after mass was over, he spoke to him by means of a lay brother, and declared to him, that he had had great visions and intentions, importing, that the king ought to reduce the followers of the pretended reformation; and that he shewed the said Daubigny a little knife, whereon was a heart and a cross; believing, that the king ought to bring back the followers of the pretended reformation to the Catholic and Roman church.

Daubigny then replied, that all this was false, and that he had never seen the said Ravaillac.

The said Ravaillac answered, "By the same token you gave me a penny, which you asked of one that was near you."

To this Daubigny answered, that the prisoner

was a very bad man; and after having committed so wicked an action, he had sins enough to answer for, without being the cause of an hundred thousand others, which might be committed.

The prisoner was then told that if he had any objections to make to father Daubigny, he must make them immediately; he said that he had none: that he looked upon father Daubigny to be an honest and religious man, and that he would believe him.

In like manner, the said Daubigny being told of the ordinance, that he must make his objections to the prisoner immediately, for they would not afterwards be received; he said, that he had nothing else to say, but that the prisoner was a very wicked man, and had uttered several falsehoods.

The examination of the said Daubigny being read in the presence of Ravaillac, Daubigny persisted in his answers, and declared that they were true.

But Ravaillac declared, that he had spoken to the said Daubigny: that he went to look for him when he came out of the Louvre, and told him that he had temptations; and that when he was in prison making his meditations, by permission of father Mary Magdalen, his hands and feet had sent forth a stench of sulphur and fire; which were proofs of the existence of a purgatory, contrary to the erroneous opinion of heretics; that he had visions of the sacred hosts on each side of his face, having before sung the psalms of David; and, in a word, that he had related all those circumstances to him which he had declared the day before in his examination: and that the said Daubigny said to him, in answer, that he, the said Ravaillac, ought to apply to some great men to admonish the king: however, since he had not done it, it was more proper for him to pray to God, he being of opinion, that those visions he spoke of were merely imaginary, and the effects of a disordered brain, as might be perceived by his looks; that he ought to eat good soup, go to his own country, tell his beads, and pray to God.

To this the said Daubigny replied, that these were all dreams and lies.

The commissioners having caused the questions that

were put to Ravaillac, concerning Daubigny, with his answers, to be read to him in the presence of Daubigny. Ravaillac persisted in his answers, and declared that they were true.

Daubigny replied, that all which Ravaillac had deposed against him was false, as he had before deposed, to the commissioners.

Upon this, Ravaillac, being farther questioned, replied, that he had never seen the said Daubigny but that one time.

Their examination being read to them, they persisted in their answers, and signed their names.

He was asked, whether, when he took those journies to advise the king to make war upon the followers of the pretended reformation, he designed, in case his majesty had not complied with his desire, to have committed the wicked act he had done.

He said, he did not intend it in that case; for he should have laid aside his design, and have thought that it was better to make him that remonstrance than to kill him.

It was objected to him, that he had not changed his wicked intention; since, after his last journey from Angoulême, in Easter, he had not sought for an opportunity to speak to the king, which was a proof that he left Angoulême with a resolution to do what he had done. He said, it was true.

He was asked, if, from Easter-day to that on which he left Angoulême, he had received the holy communion? he said, he had not; and that he received it the first Sunday in Lent; but that he had, nevertheless, caused the holy sacrifice of the mass to be celebrated in St. Paul's church at Angoulême, which was his parish-church, as acknowledging himself unworthy of the most holy and august sacrament, full of mystery and incomprehensible virtue, because he was troubled with the temptation which prompted him to kill the king, and would not in such a state approach the precious body of his God.

It was objected to him, that, since he perceived he was not worthy of that mystery which he called incomprehensible, he could not assist with any devotion at that

holy sacrifice celebrated by the priest, of which all christians participate, receiving spiritually that which he who consecrates receives actually.

To this he was silent. He continued some time pensive and in thought, and then said, that he did not well know what to answer to their remonstrance; but afterwards he said, that he remembered it was his great affection for the most holy sacrament of the altar, which induced him to have it celebrated; and that he hoped he should participate in the communion by means of his mother, who was going to receive her God in that sacrifice; because he was always of opinion, that she was more pious, and had more love for her God than he had. Whilst saying this he shed many tears.

He was told, that he could have no reverence for, nor any faith in the holy communion and sacrifice of the mass, since he had, for a long time, been under the influence of the devil, and been accustomed to invoke demons, whom he caused to appear to him, when he lodged in Paris, about four years ago. He said, that he never had invoked demons.

He was asked, if he knew a man named Dubois, born in Limoges? and whether they lodged together in this city, and lay in the same chamber?

He said he did know him: that they lodged together at the sign of the Rats, opposite to the Green Pillar in Harp-street.

He was asked, if he would believe what the said Dubois might say? he said, "Yes, he would believe him."

He was asked, whether, as he lay in bed with the said Dubois, he did not use some magical incantation invoking the demons? and in what manner?

He said, that this was so far from being true, that he did not even lay in the same chamber with the said Dubois, but in a garret over the room where he, the said Dubois lay: that, about midnight, the said Dubois, repeating *Credo in Deum*, earnestly entreated him, several times, to come down to him; saying, Ravaillac, my friend, come down; and crying aloud, my God, have mercy upon me: that thereupon he, the prisoner, would have gone down to him to know why he cried out for

help in such a manner, but he was hindered by some persons in the room with him, who were terrified with the cries of the said Dubois: but that he (the prisoner) going down to Dubois some time afterwards, he told him, that he had seen a black dog of a monstrous size, and very terrible, which came and laid its two fore-paws upon his bed; and that the terror this vision threw him into made him utter those cries, and intreat that he, the prisoner, would come into his room and stay with him; upon which he, the prisoner, advised the said Dubois to have recourse to the celebration of the holy sacrifice of the altar, in order to get rid of his horrible visions, and to cause mass to be said the next morning; and that they went together accordingly the next morning to the convent of the franciscan friars, and caused the holy mass to be said, to draw down the grace of God upon them, and to preserve them from the incursions of the devils, the common enemies of mankind.

It was objected to him, that it was not at all probable that the said Dubois should have called to him, who lay so high; or that he should have heard his voice.

He answered, that nothing was more likely, it being one of the properties of the voice to ascend: but that, since the court would not believe him, the truth of what he said would be attested by those persons who were in the room where he lay, and who hindered him from going to the said Dubois: that they were his landlady Mary Moiseau, and a cousin of hers, named John Le-Blond, who came into his room on account of the great noise they had heard, and for which he had quitted the room of the said Dubois, where he had lain before.

He was told, that he had no desire to get rid of his temptation, and therefore would not receive the communion on Easter-day, lest it should have the power to divert him from his purpose.

He said, that his reason for not receiving the communion was, that he had, on Easter-day, taken a resolution to kill the king, and upon that account he would not really, and in fact, receive the precious body of our Lord; but had a desire to hear the holy mass before he

set out, believing that the sacrament, which his mother received that day, would be sufficient both for her and him, as he then begged of God that it might, and as he did now, and would to his death, implore him that he might be made partaker of all the holy communions, taken by the religious of both sexes, by good men seculars, and others in the Catholic, Apostolic, and Roman church, receiving in the faith of his holy mother the church, the precious body of our Redeemer; and that, being thus received by them, he might be made partaker of it, as believing himself a member of one only Jesus Christ.

His examination being read to him, he persisted in his anwers, and signed his name,

RAVAILLAC.

On the morning of the 27th of May, 1610, at the palace, Paul Noster, exempt of the guards, was confronted with the prisoner.

The accused said, that the witness was the person who took him prisoner; and the witness, that the accused was the prisoner whom he took.

The prisoner was then confronted with James de Pluviers, Esq. of St. Michael.

The prisoner was then confronted with Jerome de La-Robye, equerry to the king, and next with Gamaliel Edovart, one of the king's footmen.

The prisoner said, that he knew him to be one of the king's footmen, but that he did not know if he was the person who seized him after he committed the act; and, being put in mind of the ordinance, he said, he had no objection to make to him.

The prisoner was then confronted with Peter Dubois, when he acknowledged, that what he said was true; but that it was by his advice that the witness had been to hear mass at the convent of the Franciscan friars, at which he likewise was present.

On the next day, the court sat in the chamber de La Beuvette, when the presidents, and several of the counsellors being present, the prisoner, Francis Ravaillac, was brought into court, who having been accused and convicted of parricide committed on the person of the late king, he was ordered to kneel, and the clerk of the court pronounced the sentence of death given against him; as, likewise, that he should be put to the torture to force him to declare his accomplices.

His oath being taken, he was exhorted to redeem himself from the torments preparing for him, by acknowledging the truth, and declaring who those persons were that had persuaded, prompted, and abetted him, in that most wicked action, and to whom he had disclosed his intention of committing it.

He said, "By the salvation I hope for, no one but myself was concerned in this action."

He was then ordered to be put to the torture of the brodequin,* and the first wedge being drove, he cried out, "God have mercy upon my soul, and pardon the crime I have committed; I never disclosed my intention to any one." This he repeated as he had done in his interrogation.

When the second wedge was drove, he said with loud cries and shrieks, "I am a sinner, I know no more than I have declared, by the oath I have taken, and by the truth which I owe to God and the court: all I have said was to the little Franciscan, which I have already declared. I never mentioned my design in confession, or in any other way. I never spoke of it to the visitor of Angoulême, nor revealed it in confession in this city. I beseech the court not to drive my soul to despair."

The executioner continuing to drive the second wedge, he cried out, "My God, receive this penance as an expiation for the great crimes I have committed in

* The brodequin was a strong wooden box, made in the form of a boot, just big enough to contain both the legs of the criminal, which being put therein, a wooden wedge was then drove with a mallet between his knees; and, after that was forced quite through, a second wedge, of a larger size, was applied in the same manner.

this world. Oh God! accept these torments in satisfaction for my sins. By the faith I owe to God, I know no more than what I have declared. Oh! do not drive my soul to despair."

The third wedge was then driven lower near his feet, at which a universal sweat covered his body, and he fainted away. The executioner forced some wine into his mouth, but he could not swallow it; and being quite speechless, he was released from the torture, and water thrown upon his face and hands. Some wine being forced down his throat, his speech returned, and he was laid upon a mattrass in the same place, where he continued till noon. When he had recovered his strength, he was conducted to chapel by the executioner; and Messieurs Fillesasqs and Gamaches, two doctors of the Sorbonne, being sent for his dinner was given him; but before the divines entered into a conference with him, the clerk admonished him to think of his salvation, and confess by whom he had been prompted, persuaded, and abetted, in the wicked action he had committed, and so long designed to commit; it not being probable, that he should of himself have conceived and executed it, without communicating it to another.

He said, that if he had known more than what he had declared to the court, he would not have concealed it, well knowing, that in this case he could not have the mercy of God, which he hoped for and expected; and that he would not have endured the torments he had done, if he had any farther confession to make. He said, he acknowledged that he had committed a great crime, to which he had been incited by the temptation of the devil; that he entreated the king, the queen, the court, and the whole kingdom, to pardon him, and to cause prayers to be put up to God for him, that his body might bear the punishment for his soul. And being many times admonished to reveal the truth, he only repeated what he had said before. He was then left with the doctors, that they might perform the duties of their office with him.

A little after two o'clock, the clerk of the court was

sent for by the divines, who told him, that the condemned had charged them to send for him, that he might hear and sign his confession, which he desired might be revealed, and even printed, to the end that it might be known to the whole world; which confession the said doctors declared to have been, that no one had been concerned with him in the act he had committed; that he had not been solicited, prompted, or abetted, by any other person whatever, nor had discovered his design to any one; that he acknowledged he had committed a great crime, for which he hoped to have the mercy of God, which was still greater than his sins, but which he could not hope to obtain if he concealed any thing.

Hereupon the clerk asked the condemned, if he was willing that his confession should be known and revealed? and, as above, admonished him to acknowledge the truth for the salvation of his soul. He then declared, upon his oath, that he had said all he knew, and that no one had incited him to commit the murder.

On May 28, 1610, sentence of death was passed upon Ravaillac, as follows:—

The Court, consisting of the great chambers of the Tournelle and the Edict, being assembled, and having seen the criminal proceedings, formed by the presidents and counsellors in that behalf, appointed by commission, at the requisition of the king's attorney-general, against Francis Ravaillac, a practitioner of the law, of the city of Angoulême, prisoner in the Conciergerie of the palace; as also the information made against him, the interrogatories, confessions, answers, and cross-examinations of witnesses, and the state of the case by the king's attorney-general; and the said Ravaillac having been heard and examined by the said Court, touching the matters laid to his charge; and touching the verbal process of the interrogatories administered to him on the rack; which, by order of the said Court, he underwent on the 25th of this month, for discovery of his accomplices: on consideration of the whole,

The said Court hath declared, and doth declare, the said Ravaillac duly attainted of the crime of high-treason, divine and human, in the highest degree, for the most wicked, most abominable, and most detestable parricide, committed on the person of the late king, Henry IV. of good and laudable memory; for reparation whereof, the Court hath condemned, and doth condemn him, to make the *amende honorable*, before the principal gate of the church of Paris, whither he shall be carried and drawn in a tumbril in his shirt, bearing a lighted torch of two pound weight,

and that he shall there say and declare, that wickedly and traitorously he hath committed the aforesaid most wicked, most abominable, and most detestable parricide, and murdered the said lord the king, by stabbing him twice in the body with a knife; that he repents of the same, and begs pardon of God, the king, and the laws; from thence he shall be carried to the Greve, and, on a scaffold to be there erected, the flesh shall be torn to pieces, with red-hot pincers from his breasts, his arms, and thighs, and the calves of his legs; his right hand, holding the knife wherewith he committed the aforesaid parricide, shall be scorched and burned with flaming brimstone; and on the places where the flesh has been torn with pincers, melted lead, boiling oil, scalding pitch, with wax and brimstone melted together, shall be poured: after this, he shall be torn in pieces by four horses, his limbs and body burnt to ashes, and dispersed in the air. His goods and chattels are also declared to be forfeited and confiscated to the king. And it is further ordained, that the house in which he was born shall be pulled down to the ground (the owner thereof being previously indemnified) and that no other building shall ever hereafter be erected on the foundation thereof; and that within fifteen days after the publication of this present sentence, his father and mother shall, by sound of trumpet and public proclamation in the city of Angoulême, be banished out of the kingdom, and forbidden ever to return, under the penalty of being hanged and strangled, without any farther form or proeess at law. The Court has also forbidden, and doth forbid his brothers, sisters, uncles, and others, from henceforth to bear the said name of Ravaillac, enjoining them to change it to some other, under the like penalties; and ordering the substitute of the king's attorney-general to cause this present sentence to be published and carried into execution, under pain of being answerable for the same; and before the execution thereof, the Court doth order, that the said Ravaillac shall again undergo the torture for the discovery of his accomplices.

At three o'clock he camefromthe chapel; and, as he was carrying out of the Conciergerie, the prisoners, in great numbers, thronged about him, with loud cries and exclamations, calling him traitor, wicked wretch, detestable monster, damned villain, and the like; they would have struck him, had they not been hindered by the archers, and the other officers of justice, who kept them off by force.

When he was put into the tumbril, the crowd was so great that it was with the utmost difficulty the archers and officers of justice could force themselves a passage; and, as soon as the prisoner appeared, the vast multitude began to cry out, as above, wicked wretch, traitor, &c.

The enraged populace continued their cries and execrations till he arrived at the Greve; where, before he was taken out of the tumbril to mount the scaffold, he was again exhorted to reveal his accomplices; but he persisted in his former declaration, that he had none; again imploring pardon of the young king, the queen, and the whole kingdom, for the crime he had committed.

When he had ascended the scaffold, the two doctors comforted him, and exhorted him to acknowledge the truth; and, after performing the duties of their function, the clerk approached him, and urged him to think of his salvation, now at the close of his life, and to confess all he knew; to which he only answered as he had done before.

The fire being put to his right hand, holding the knife with which he had stabbed the king, he cried out, *oh God!* and often repeated, *Jesu Marie!* While his breast, &c. were tearing with red-hot pincers, he renewed his cries and prayers; during which, being often admonished to acknowledge the truth, he persisted in denying that he had any accomplices. The furious crowd continued to load him with execrations, crying, that he ought not to have a moment's respite. Afterwards, by intervals, melted lead and scalding oil were poured upon his wounds; during which he shrieked aloud, and continued his cries and exclamations!

The doctors again admonished him, as likewise the clerk, to confess, and were preparing to offer up publicly the usual prayers for the condemned; but immediately the people, with great tumult and disorder, cried out against it, saying, that no prayers ought to be made for that wicked wretch, that damned monster; so that the doctors were obliged to give over. Then the clerk remonstrating to him, that the indignation of the people was a judgment upon him, which ought to induce him to declare the truth, he persisted to answer as formerly, saying, I only was concerned in the murder.

He was then drawn by four horses, for half-an-hour, by intervals.

Being again questioned and admonished, he per-

sisted in denying that he had any accomplices; while the people of all ranks and degrees, both near and at a distance, continued their exclamations, in token of their great grief for the loss of their king. Several persons set themselves to pull the ropes with the utmost eagerness; and one of the noblesse, who was near the criminal, alighted off his horse, that it might be put in the place of one which was tired with drawing him. At length, when he had been drawn for a full hour by the horses, without being dismembered, the people, rushing on in crowds, threw themselves upon him, and with swords, knives, sticks, and other weapons, they struck, tore, and mangled his limbs; and violently forcing them from the executioner, they dragged them through the streets with the utmost eagerness and rage, and burnt them in different parts of the city.

JOHN FELTON,

FOR THE MURDER OF THE DUKE OF BUCKINGHAM, 1628.

Buckingham was the ostentatious favourite of James and Charles. The former, in spirit of idiotism, preferred him for his handsome person, raised him above the ancient nobility, and placing himself above the law and public opinion, he became hateful to the whole nation except to the infatuated Charles and his own creatures. Successive parliaments denounced him, and their strong declarations and high authority excited a spirit of political fanaticism against him.

About a month before the duke was assassinated, occurred the murder, by the populace, of the man who was called "The duke's devil." This was a Dr. Lambe, a man of infamous character; a dealer in magical arts, who lived by showing apparitions or selling the favours of the devil, and whose chambers were a convenient rendezvous for the curious of both sexes. This wretched man, who openly exulted in the infamous traffic by which he lived, when he was sober, prophesied

that he should fall one day by the hands from which he received his death; and it was said he was as positive about his patron's. At the age of eighty, he was torn to pieces in the city, and the city was imprudently heavily fined £6,000, for not delivering up those who, in murdering this hoary culprit, were heard to say that they would handle his master worse, and would have minced his flesh, and have had every one a bit of him. This is one more instance of the political cannibalism of the mob. The fate of Dr. Lambe served for a ballad, and the printer and singer were laid in Newgate.*

About this time, also, a libel was taken down from a post in Coleman-street by a constable and carried to the lord-mayor, who ordered it to be delivered to none but his majesty. Of this libel the manuscript letter contains the following particulars:—

"Who rules the kingdom? The king.
Who rules the king? The duke.
Who rules the duke? The devil.

Let the duke look to it; for they intend shortly to use him worse than they did the doctor; and if things be not shortly reformed, they will work a reformation themselves."

The French king was engaged in a crusade against the protestants, and the remnant of this party were besieged in Rochelle. England, as the head of the protestant interest, undertook to relieve the place, and an armament was fitted out of which Buckingham was to take the command. He went to Portsmouth for that purpose, and, while engaged in preparations for immediate departure for Rochelle, was assassinated on the 23d of August, 1628.

The duke was standing in conversation with some

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* Rushworth has preserved a burthen of one of these songs:

Let Charles and George do what they can,
The duke shall die like Doctor Lambe.

And, on the assassination of the duke, I find two lines in a MS. letter:

The shepherd's struck, the sheep are fled!
For want of Lambe the wolf is dead!

There is a scarce tract of "A brief description of the notorious life of John Lambe, otherwise called Doctor Lambe," &c. with a curious wood print of the mob pelting him in the street.—*D'Isreali.*

officers relative to the preparations, when he was approached by Lieutenant Felton from behind, and stabbed under the left rib with a knife. He fell, exclaiming, "the villain has killed me!" and Felton disappeared, but in his hurry lost his hat. The duke died on the spot, and Felton might have escaped, but on some one running with the hat he claimed it as his, and expressed satisfaction at what he had done.

Felton, the assassin of the Duke of Buckingham, by the growing republican party, was hailed, says M. D'Isreali, as a Brutus, rising, in the style of a patriotic bard,

"Refulgent from the stroke."

Gibbon has thrown a shade of suspicion even over Brutus's "God-like stroke," as Pope has exalted it. In Felton, a man acting from mixed and confused motives, the political martyr is entirely lost in the contrite penitent; he was, however, considered in his own day as a being almost beyond humanity. Mrs. Macaulay has called him "a lunatic," because the duke had not been assassinated on the right principle. His motives appeared even inconceivable to his contemporaries; for Sir Henry Wotton, who has written a life of the Duke of Buckingham, observes, that "what may have been the immediate or greatest motive of that felonious conception (the duke's assassination,) is even yet in the clouds." After ascertaining that it was not private revenge, he seems to conclude that it was Dr. Egglesheim's furious "libel," and the "remonstrance" of the parliament, which, having made the duke "one of the foulest monsters upon earth," worked on the dark imagination of Felton.

The public mind, through a long state of discontent, had been prepared for, and not without an obscure expectation of, the mortal end of Buckingham. It is certain the duke received many warnings which he despised. The assassination kindled a tumult of joy throughout the nation, and a state-libel was written in strong characters in the faces of the people. The passage of Felton to London, after the assassination, seemed a triumph. Now pitied, and now blessed, mothers held up their children to behold the saviour of the country; and

an old woman exclaimed, as Felton passed her, with a scriptural allusion to his short stature, and the mightiness of Buckingham, "God bless thee, little David!" Felton was nearly sainted before he reached the metropolis. His health was the reigning toast among the republicans. A character somewhat remarkable, Alexander Gill (usher under his father Dr. Gill, master of St. Paul's school,) who was the tutor of Milton, and his dear friend afterwards, and, perhaps, from whose impressions in early life Milton derived his vehement hatred of Charles, was committed by the star-chamber, heavily fined, and sentenced to lose his ears, on three charges, one of which arose from drinking a health to Felton. At Trinity college, Gill said that the king was fitter to stand in a Cheapside shop, with an apron before him, and say, "What lack ye?" than to govern a kingdom; that the duke was gone down to hell to see king James; and drinking a health to Felton, added, he was sorry Felton had deprived him of the honour of doing that brave act.* In the taste of that day, they contrived a political anagram of his name, to express the immovable self-devotion he showed after the assassination, never attempting to escape; and John Felton, for the nonce, was made to read,

Noh! flie not!

Whilst Felton remained a prisoner in London, great was the resort of people to see the man who had committed so bold a murder; others came to understand what were the motives and inducements thereunto; to which he for the most part answered, that he did acknowledge the fact, and even condemned himself for the doing thereof; but he had long looked upon the duke as an evil instrument in the commonwealth, and that he was convinced thereof by the remonstrance of parliament.

Felton was called before the council, where he confessed much of what is before mentioned concerning his inducement to the murder: the council pressed him to

* The MS. letter giving this account observes, that the words concerning his majesty were not read in open court, but only those relating to the duke and Felton.

confess who set him at work to do such a bloody act, and if the puritans had no hand therein; he denied they had, and asserted to the last, that no person whatsoever knew any thing of his intentions or purpose to kill the duke; and that he revealed it to none living.

Lord Dorset said, "Mr. Felton, it is the king's pleasure that you should be put to the torture, to make you confess your accomplices, and therefore prepare yourself for the rack." Felton answered, "My lord, I do not believe that it is the king's pleasure, for he is a just and a gracious prince, and will not have his subjects tortured against law. I do affirm, upon my salvation, that my purpose was not known to any man living; but if it be his majesty's pleasure, I am ready to suffer whatever his majesty will have inflicted upon me. Yet this I must tell you by the way, that if I be put upon the rack, I will accuse you my Lord of Dorset, and none but yourself." This firm and sensible speech silenced them.

Felton was a man of melancholy and retired habits, and one of those thousand officers who had incurred disappointments, both in promotion and in arrears of pay, from the careless duke; he felt, perhaps, although he denied it, a degree of personal animosity towards him. A solitary man, who conceives himself injured, broods over his revenge. Felton once cut off a piece of his own finger, inclosing it in a challenge, to convince the person whom he addressed, that he valued not endangering his whole body, provided it afforded him an opportunity of vengeance. Yet with all this, such was his love of truth and rigid honour, that Felton obtained the nick-name of "Honest Jack," one which, after the assassination, became extremely popular through the nation. The religious enthusiasm of the times had also deeply possessed his mind, and that enthusiasm, as is well known, was of a nature that might easily occasion its votary to be mistaken for a republican.

Clarendon mentions, that in his hat he had sewed a paper, in which were written a few lines of that remonstrance of the commons, which appeared to him to sanction the act. I have seen, says M. D'Isreali, a letter from Lord Carlton to the queen, detailing the particulars; his lordship was one of those who saved Felton

from the swords of the military around him, who in their vexation for the loss of their general the duke, which they considered to be the end of the war, and their ruin, would have avenged themselves. But though Felton, in conversation with Lord Carlton, confessed that by reading the remonstrance of the parliament it came into his head, that in committing the act of killing the duke, he should do his country a great good service, yet the paper sewed in his hat, thinking he might have fallen a victim in the attempt, was different from that described by Clarendon, and is thus preserved in this letter to the queen by Lord Carlton. "If I be slain, let no man condemn me, but rather condemn himself. Our hearts are hardened, and become senseless, or else he had not gone so long unpunished. He is unworthy the name of a gentleman or soldier, in my opinion, that is afraid to sacrifice his life for the honour of God, his king, and country. JOHN FELTON."*

Felton's mind had however previously passed through a more evangelical process; four theological propositions struck the knife into the heart of the minister. The conscientious assassin, however, accompanied the fatal blow with a prayer to heaven, to have mercy on the soul of the victim. The following curious document has been discovered in the MS. letter.

"Propositions found in Felton's trunk, at the time he slew the duke.

"1. There is no alliance nearer to any one than his country.

Except his God and his own soul, said the divines.

"2. The safety of the people is the chiefest law.

Next to the law of God, said these divines.

"3. No law is more sacred than the safety and welfare of the commonwealth.

Only God's law is more sacred, said the divines.

"4. God himself hath enacted this law, that all things that are for the good profit and benefit of the commonwealth should be lawful.

The divines said, we must not do evil that good may come thereon."

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* Lansdowne MSS. 209.

The council then debated, whether by the law of the land they could justify the putting him to the rack: the king, being at council, said, before any such thing should be done, let the advice of the judges be had therein, whether it be legal or not; and afterwards his majesty, the 13th of November, propounded the question to Sir Thomas Richardson, lord-chief-justice of the Common Pleas, to be propounded to all the justices, (viz.) Felton, now a prisoner in the Tower, having confessed that he had killed the Duke of Buckingham, and said he was induced to this, partly for private displeasure, and partly by reason of remonstrance in parliament, the question therefore was, whether by the law he might not be racked, and whether there was any law against it? for, (said the king) if it might be done by law, he would not use his prerogative in this point; and, having put this question to the lord-chief-justice, the king commanded him to demand the resolutions of all the judges. First, the justices of Serjeants-Inn, in Chancery-lane, met and agreed, that the king could not, in this case, put the party to the rack. And on the 14th of November, all the justices being assembled at Serjeants-Inn, in Fleet-street, agreed in one, that he ought not, by the law, to be tortured by the rack, for no such punishment was known or allowed by our law.

On Thursday, the 27th of November, Felton was removed from the Tower to the Gate-house, in order to take his trial, and was the same day brought by the sheriffs of London to the King's-bench bar, and the indictment being read, it was demanded whether he were guilty of the murder therein mentioned: he answered, he was guilty in killing the Duke of Buckingham; and further said, that he deserved death for the same, though he did not do it out of malice to him. The court passed sen ence of death upon him; after which he offered the hand to be cut off that did the fact; but the court would not, upon his own offer, inflict that further punishment upon him: nevertheless, the king sent to the judges, to intimate his desire that his hand might be cut off before execution. But the court answered, that this could not be; for in all murders, the judgment was the same, and the statute of 25 Edw. III. did not alter the nature of this offence.

They, also, proceeded against him upon the other indictment, for felony, for which he was found guilty, and afterwards hung up in chains.

On a rumour that Felton was condemned to suffer torture, an effusion of poetry, the ardent breathings of a pure and youthful spirit, was addressed to the supposed political martyr, by Zouch Townley, of the ancient family of the Townleys, in Lancashire.

"To his confined friend, Mr. JOHN FELTON.

Enjoy thy bondage, make thy prison know
Thou hast a liberty, thou canst not owe
To those base punishments; keep entire, since
Nothing but guilt shackles the conscience.
I dare not tempt thy valiant blood to affray,
Infeebling it with pity; nor dare I pray
Thine act may mercy finde, lest thy great story
Lose somewhat of its miracle and glory.
I wish thy merits, laboured cruelty;
Stout vengeance best befriends thy memory.
For I would have posterity to hear,
He that can bravely do can bravely bear.
Tortures may seem great in a coward's eye;
Its no great thing to suffer, less to die.
Should all the clouds fall down, and in that strife,
Lightning and thunder serve to take my life,
I would applaud the wisdom of my fate,
Which knew to value me of such a rate,
As to my fall to trouble all the sky,
Emptying upon me Jove's full armoury.
Serve in your sharpest mischiefs; use your rack,
Enlarge each joint, and make each sinew crack,
Thy soul before was straightened; thank thy doom,
To show her virtue, she hath larger room.
Yet sure if every artery were broke,
Thou would'st find strength for such another stroke.
And now I leave thee unto Death and Fame,
Which lives to shake Ambition with thy name;
And if it were not sin, the court by it
Should hourly swear before the favourite.
Farewell! for thy brave sake we shall not send
Henceforth commanders, enemies to defend;
Nor will it our just monarchs henceforth please,
To keep an admiral, to lose the seas.
Farewell! undaunted stand, and joy to be
Of public service the epitome.
Let the duke's name solace and crown thy thrall;
All we for him did suffer, thou for all!
And I dare boldly write, as thou dar'st die,
Stout Felton, England's ransom, here doth lie!"

URBAN GRANDIER,

CONDEMNED FOR A MAGICIAN, AND FOR BEWITCHING THE NUNS OF LOUDUN.

Loudun, the scene of the following story, is a small town of Poictou, where is established an order of Ursulin nuns. Grandier was of an honourable family, the son of a notary-royal at Sable, and born at Roueres. He studied under the jesuits at Bourdeaux, and soon recommended himself to their friendship and esteem, by the dawnings of a fine genius. They collated him to the living of St. Peter's, in the market-place at Loudun, whereof they were the patrons. He had also a prebendary in the church of the Holy Cross.

He had a remarkable grace and comeliness, with an air of dignity diffused over all his person; which he was studious to adorn. In the pulpit, he was a great master of the gift of preaching; and he incurred the odium of the monks because he preached against fraternities, and much better than they.

He was addicted to gallantry; and hence it came to pass that among his enemies, some were rivals, some incensed fathers, and some enraged husbands. But of all his enemies, none were so formidable as Trinquant, the king's attorney. This gentleman had a very handsome daughter, whose good graces Grandier had won, and even brought her to indulge him in great familiarity.

These, the sworn enemies of Grandier, laid their heads together, in order to compass his ruin. They were joined by Menuau, the king's advocate, who was an intimate of Mignon's, and had the misfortune to be in love with a lady, who favoured Grandier more than him. They unanimously resolved to destroy their common enemy, or at least to drive him entirely out of Loudun. He was charged and prosecuted for having secretly had a child by Trinquant's daughter. His enemies now began to think his ruin inevitable,

and instigated a priest to declare him lapsed from his cure.

The cabal were somewhat disheartened, upon account of the vast sums it cost them in carrying on the trial; but they were re-animated by Trinquant, who valued his money less than his revenge. Yet, in spite of all their intrigues, their information was exceeding lame and ill-supported. Neither matron, nor unmarried woman, nor any party concerned, appeared as plaintiff. Besides, though they accused him of having debauched several women, no person was named, and even some of their own witnesses retracted their depositions.

However, the bishop, who saw only with the eyes of Grandier's enemies, was so biassed against the defendant, that he condemned him to fast with bread and water every Friday for three months, and interdicted him from performing mass, and other parts of divine service, in the diocese of Poictiers for five years, and in the parish of Loudun for ever.

From this sentence Grandier made an appeal to the Archbishop of Bourdeaux. His enemies again, who had no ground to expect that another court would act under the same influence of prepossession, saw they had nothing for it but to tire out Grandier by all the resources of wrangling and chicanery: the proctor, therefore, of the officialty, who was entirely devoted to them, appealed in their name, by writ of error, to the parliament of Paris. Grandier, notwithstanding his appeal to the spiritual court, thought fit to appear before the parliament, and there had his cause pleaded; but, as there was a great number of witnesses to be examined, the cause was remitted to the presidial of Poictiers. The criminal judge of Poictiers ordered a hearing of the case anew; which hearing was by no means favourable to the accusers; one of the informers desisted from his action; contradictions were found in the depositions; several of the witnesses declared, that they had been solicited by Trinquant; two priests, in particular, gave in a written declaration, wherein they retracted their depositions, which, they said, had not been read over to them, and perfectly exculpated Grandier.

Thus this hopeful scheme proved abortive, and the presidial, by a sentence dated the 25th of May, 1631, sent away Grandier acquitted. The triumphant curate now proudly insulted over his enemies; though it must be owned, that his success was not so much owing to his innocence, as to the concealment of his guilt. Meanwhile, he was obliged to appear before the Archbishop of Bourdeaux, to whom he had appealed. Here he triumphed a second time over his adversaries. By a sentence, dated November 22, of the same year, his interdiction was taken off, and he was allowed to sue for damages, and restitution of the profits, during his suspension.

He returned to Loudon with an air of triumph, bearing a branch of laurel in his hand, as an ensign of his victory. This conduct was thought to imply great meanness, and was equally condemned by friends and foes. The latter construed it an act of bold defiance, and breathed nothing but revenge. He was no sooner settled agin in the possession of his benefices, than he entered on the prosecution of Durhibaut, and carried it on so vigorously, that he obtained against him a decree before the Tournelle. The defendant being sent for, was reprimanded with infamy, and was cast in sundry fines and reparations, and in the charges of the process.

Grandier rested not here; he purposed to sue his adversaries, before the parliament, for reparations, damages, and restitution, of the profits of his benefices. In vain did his friends use their utmost endeavours to dissuade him; in vain they represented to him what an incensed cabal is capable of enterprising; he despised their counsel, and returned a deaf ear to all remonstrances. Providence, to punish him for his pride and debauchery, suffered him to fall into the pit which his enemies had dug for him, and took such terrible vengance on his crimes, that it is enough to confound us, did we not see, amidst all this severity, a conduct full of mercy, in employing those violent, but necessary, means to save his soul.

We now proceed to give a full and particular detail

of the methods used by the enemies of this unhappy priest, to gratify their dreadful hate.

We are told that Mignon, seconded by some others, trained up the nuns in the convent of Loudun to act the part of women possessed, with all the concomitants of that feigned character, contortions of body, convulsions, and whatever might truly represent the operations of the devil, with a view to impose not only upon credulous people, but, if possible, upon those of judgment and penetration.

This the reader may consider at present only as a conjecture, but such a one as will appear just and perfectly well grounded; when in the sequel it shall be shewn, that to all those pretended possessions, not one of the characters agreed, which the church has laid down, as infallible signs, whereby to distinguish truth from imposture; whence it follows, that the violent agitations of those nuns were voluntary and acquired. Now, whom could they have for their teachers but Grandier's enemies, who made use of these gambols to destroy him? Among his enemies, who had greater connection with the nuns than Mignon, the almoner?

It requires no great measure of penetration to divine what might be the powerful springs, whereby Mignon and his emissaries set this contrivance at work. It was only making the simple nuns believe, that zeal for the glory of God required that the church should be purged of such a profligate debauchee as Grandier, who trepanned so many souls into the snares of the devil; that all the means which could be used for compassing this good design would be sanctified and meritorious. Besides, that this enterprize, which would make them the spectacle of all France, would procure them high reputation, enrich their convent with alms, and raise them from the low state of indigence, under which they now groaned, to a happy situation, whereof they would taste the sweets.

The rumour of the nuns being possessed, beginning to be whispered through the town, Mignon opened the scene by exorcising the superior and another nun. He called to his assistance one Barré, the curate of St.

James's of Chinon, a man very fit for his purpose, being melancholic, visionary, taxed with hypocrisy, and inflamed with ambition to pass for a saint. He came to Loudun at the head of his flock, whom he led thither in procession, marching with them on foot, in order to preposses the public by this parade.

These two ecclesiastics having exercised themselves privately for eight or ten days, thought the nuns were in a condition to be brought upon the stage. To give the spectacle the greater solemnity, they sent Granger, the curate of Venier, to invite the magistrates to join them: He was one of those men who choose rather to make themselves the objects of dread, than of love; and, being in favour with the Bishop of Poictiers, improved this advantage to procure himself respect, and keep other priests in a servile dependance upon him. Though he had no ground of personal complaint against Grandier, yet he had been associated in the league with Mignon and Trinquant; and, at the desire of his brethren, went, on the 11th of October, 1632, to wait upon William de Cerisay, bailiff of the Loudunese, and Lewis Chauvet, lieutenant-civil, and entreated them, in the name of the exorcists, to repair to the convent of the Ursulines, to see two nuns who were possessed of an evil spirit; representing to them, that it properly belonged to their province, to take cognizance of such an affair, that was likely to make a great noise in the world; and, to raise their curiosity, assured them that one of the two nuns spoke Latin, though she had never learned the language. Upon this the two magistrates repaired to the convent, to be present at the exorcisms, and give them the sanction of their authority, in case they believed the possessions real; or to stop the progress of the illusion, if they thought them false. Mignon made his appearance before them in his albe* and stole,† and gave them the history of the possession of the nuns, and of the wonderful effect that his exorcisms had already produced, both upon the superior, whose name

* The priest's mass-garment of white linen.

† A part of the sacerdotal habit that goes over the other, like a scarf, adorned with the figures of the cross.

was Jean Belfiel, daughter to the late Baron de Cose, of the country of Xaintonge, and upon a lay-sister, whose name was Clare, daughter to one Magneux. He told them he had extorted from the two evil spirits a confession of their names, that the one was called Astaroth, and the other Zebulon. After this preamble, he begged them to defer their visit to another day, because the possessed were now taking their rest. But just as the two magistrates were going away, there came a messenger after them, to call them back, for that the evil spirits were returned. They went up with the exorcists into an upper-chamber, where the two patients were lying in separate beds. The prioress had about her some Carmelites and nuns of the convent, Rouisseau, the priest and canon of holy-cross, with Manouri the surgeon. As soon as she perceived the magistrates, she was seized, very conveniently, with convulsions, and made abundance of strange grimaces and contorsions; modulating her voice into a variety of hideous sounds, and every now and then squeaking out like a pig: Thus, from being one of the handsomest maids in the kingdom, she was, on a sudden, transformed into a monster of ugliness. A Carmelite friar stood at her right hand, and Mignon at her left, who, after having used many conjurations, thus interrogated the demon in Latin:

Q. Propter quam causam ingressus es in corpus hujus virginis?—(For what reason have you entered into the body of this virgin?)

A. "*Causa animositatis:*"—(Out of spite and animosity.)

Q. "*Per quod pactum?*"—(By what pact?)

A. "*Per flores:*"—(By flowers.)

Q. "*Quales?*"—(What flowers?)

A. "*Rosas:*"—(Roses.)

Q. "*Quis misit?*"—(Who sent you them?)

A. "*Urbanus:*"—(Urban.)

She hesitated a while before she pronounced the name, as if she had done it by constraint.

Q. "*Dic cognomen:*"—(Tell his sirname.)

A. "*Grandier.*"

This she likewise pronounced with seeming reluctance,

Q. " *Dic qualitatem* :"—(Tell his quality.)
A. " *Sacerdos* :"—(A priest.)
Q. " *Cujus ecclesiæ?*"—(Of what church?)
A. " *Sancti Petri* :"—(Of St. Peter.)
She pronounced these last words very aukwardly.
Q. " *Quæ persona attulit flores?*"—(What person brought the flowers?)
A. " *Diabolica* :"—(A diabolical person.)

Having thus performed her part, she returned to her senses, and ate a little bread. The magistrates, who had given the greatest attention to all that passed, withdrew to the window. Mignon joined them, and said this was a second edition of the history of Gaufridi, who was condemned to death by a decree of the parliament of Aix, in Provence. The magistrates gave him no countenance in this invidious comparison; but the lieutenant-civil said the demon ought to have been interrogated as to the reason of that animosity, which he had mentioned in his answers. Mignon excused himself, on the ground that he was not permitted to propose such curious questions.

Next the lay-sister was seized with convulsions. She too was remarkably handsome; for it was observed, that the devils had not taken up their lodging with the ugly nor the old: which gave occasion to say, they were demons of a refined and delicate taste. When this nun came to be interrogated, her devil was found not to be so knowing as that of the superior: for the only answer she would give to the questions proposed to her was, " *à l'autre diable* :"—(ask the other devil.) The judges retired, after being told that the same scene had been acted in presence of Paul Grouard, judge of the provostship of Loudun, and of Trinquant, the king's attorney.

The two magistrates returned to the convent the next morning, and remonstrated to Mignon, that, as this affair made so much noise, it was proper there should be no exorcising for the future, but in their presence, and that other exorcists should be named for that effect by the justices, since it was no longer adviseable for him, who was the director of the nuns, to meddle in that affair; lest the known dissensions, which

he and his relations had with Grandier, who was now accused of being the author of those possessions, should bring him into a suspicion of under-hand dealing.

Mignon, without promising to desist from exorcising, told the magistrates, that neither he nor his nuns would hinder them from being present at the exorcisms, as often as they pleased. He gave them to understand that Barré, the exorcist for that day, had brought the superior to confess, that she was possessed by six devils, whose names he had taken down in writing, Astaroth being the first; that Grandier had delivered the pact between him and the devils, under the symbol of roses, to one Pivart, who had put it into the hands of a damsel, who had thrown it into the convent, over the walls of the garden; this the superior said had happened in the night between Saturday and Sunday, at two o'clock in the morning *hora secunda nocturna;* these were her words: that being interrogated who this Pivart was, she answered: "*Est pauper magus*," he is a poor magician; and being urged as to the signification of the word *magus*, she said "*magicianus et civis*," a magician and citizen. The magistrates went up again to the chamber of the demoniacs, where several curious persons were present; but nothing remarkable passed at that time, the devils allowing the patients a little breathing time.

Towards the evening they returned, when the superior, after her usual convulsions, lolled out her tongue, slavered and foamed at the mouth, exhibiting a most piteous spectacle, as if she had actually been under the possession of an outrageous devil. Barré asked the demon when he would go out? he answered, "*cras mane*," to-morrow morning: the exorcist insisted, and asked him why he did not go out at present? he answered, "*pactum*," it is paction: Then he pronounced, "*sacerdos, finis*," priest, no more. After performing several ceremonies of religion, and pronouncing the names of a great many saints, the superior recovered her natural state; her features were as composed as if she had suffered no extraordinary agitation: she looked upon Barré with a smile, and said:

"Satan is possessed of me no more." Afterwards she took some food, and told the company, that the first charm had been cast upon her about ten at night; that being then in bed, and several nuns with her in the chamber, she felt something take hold of one of her hands, and after putting into it three black thorns, shut it again; that, as this happened without her seeing any body, she was greatly discomposed, and seized with great terror, which made her call out to the nuns, who came running up, and found the three thorns in her hand.

As she was going on, the lay-sister was seized with convulsions, which were reckoned a sign of her being possessed. Barré began to exorcise her, but was interrupted by a sudden noise among the company, who alleged they had seen the devil in the shape of a cat come down the chimney. Some who were stouter than the rest, adventured to seize the devil in his post, and carried the cat to Barré, who exorcised it in due form. But at length their eyes were opened, the poor animal was found to be a cat of the convent, and in spite of the fright into which the devils had put them all, they burst out into a laugh.

Before the assembly withdrew, the exorcist said it was proper to burn the roses, through which the second fascination had been conveyed. Upon which he took a withered nosegay of white roses, and threw it into the fire, while the superstitious spectators expected it would have smelt of brimstone, or made a crack like that of thunder; but it was accompanied with neither noise nor smell.

The exorcists promised the company, however, that they should see miracles the next day, for that the devil should be made to speak more plain, and be driven out with manifest signs of expulsion, to the conviction of the most incredulous. René Hervé, lieutenant-criminal, said, he ought to be interrogated as to Pivart's christian name. Barré answered in Latin; "*Hoc dicet & puellam nominabit:*" (He shall declare his and the damsel's name too;) meaning her who had thrown the roses into the convent.

Grandier at first beheld their exorcisms with indiffer-

ence, as a mere farce, which would end in nothing; but seeing the piece begin to grow serious, and successful in promoting his defamation, he thought fit to present a petition to the bailiff, representing:—"That whereas Mignon had in his presence exorcised these nuns, who named him for the author of their possession; it was a vile imposture, contrived by the exorcist himself, whom he had already cast in another criminal accusation, which he had raised against him; and, therefore, begged he would sequester those nuns, who pretended to be possessed, that they might be examined separately; and if exorcisms were necessary, that there might be a nomination of other exorcists of approved integrity, and not liable to any suspicion, as Mignon and his adherents were. Lastly, that he would make report of all that passed at those ceremonies, that he, the petitioner, might provide as he should see cause."

The bailiff, who aimed at nothing but to find out the truth, granted Grandier a certificate of his remonstrances, at the same time informing him, that Barré had performed the exorcisms, pretending to have a commission to that effect from the Bishop of Poictiers, whereof he gave him notice, that he might make what good use of it he thought proper: whence Grandier concluded that he should lay his cause before the bishop.

The day after, being October 13th, the bailiff, the lieutenant-civil, the lieutenant-criminal, the King's attorney, the lieutenant of the provostship, and their clerks, went to the convent in the morning, and gave Mignon notice of the step which Grandier had taken. He introduced them into the chapel of the convent, where Barré came up to inform them, that he had exorcised the two demoniacs (for only two nuns were hitherto brought upon the stage) and drawn surprising discoveries from them. The Bailiff blamed this proceeding of his exceedingly, and told him, that considering the consequences, he ought to have been more cautious, and to have done nothing but in the face of justice. Barré pleaded his good intentions, which were aimed at the glory of God, since he had expelled the demons by his exorcisms; and he foretold them, that a signal event was to happen in eight days, which would leave no

room to doubt of the fascination. Every time the judges visited the convent, they took care to record whatever was said or done in their presence. Though the contexture of this villainous design was but coarsely wove, yet Grandier, seeing himself in the hands of so many powerful enemies, could not help dreading the effect of the conspiracy which was formed against him. He saw among his declared enemies, besides Mignon and his brethren, the lieutenant-criminal, the advocate, the king's attorney, and, whom he dreaded more than all the rest, René Memin Sieur de Silli, a man of great interest with cardinal Richlieu. That he might not, therefore, be wanting to himself, he improved the hint he had got from the Bailiff of Loudun, and applied for redress to the Bishop of Poictiers; whose answer was, that he ought to lay his action before the judges royal, and he should be very glad that he had justice done him.

Upon this he returned to Loudun, and protested before the bailiff, that he would sue at law, and file an information against Mignon and his accomplices, putting himself under the safeguard of justice. The bailiff gave him a certificate of his protest, and issued letters of prohibition, forbidding all persons whatsoever to insult, asperse, or calumniate him at their peril.

After this the nuns kept silence for a month; during which time Grandier took it for granted that they were employed in studying their parts, and in qualifying themselves to act them with great facility, by reiterated experiments. Be that as it will, the malignant spirits soon resumed their posts; it was given out that the two nuns were possessed anew, and Barré was again sent for from Chinon to exorcise them. All the prohibitions of the bailiff against performing those exorcisms without a proper commission were of no avail; he was told that he incroached upon the bishop's jurisdiction, and, therefore, they could not obey him. Neither the advocate nor king's attorney would stand by him. In vain did he order the nuns to be sequestered; the superior answered, "that sequestration was contrary to their vow." The next best thing he could do, was to be witness to the exorcisms, in presence of physicians and surgeons.

November 24th, in the morning, he again repaired to the chapel, where they had the superior placed in the choir upon a little couch. All the time that Barré was saying mass, she suffered violent fits of convulsion; her arms, her hands, her very fingers were grievously distorted; her cheeks appeared bloated, and her eye-balls rolled and turned up the white. Friars and nuns stood round, to lend her their assistance; while crowds of spectators gazed with extreme attention, all aghast, and held in mute suspence.

Mass being ended, Barré drew nigh to the superior to give her the communion, and, holding the pix in his hand, said to her, "*Adora Deum tuum, Creatorem tuum.*" (Adore thy God, thy Creator.)

Being urged to answer, she said, "*Adoro,*" I adore him.

"*Quem adoras?*" (Whom dost thou adore?) says the exorcist to her several times: "*Jesus Christus,*" replied she, making motions as if she had suffered violence.

Daniel Drouin, assessor of the provostship, could not help crying out; "Here is a devil, who knows not grammar!" Upon this Barré changing the phrase, asked the possessed, "*Quis est iste quem adoras?*" (Who is he whom you adore?) He expected she would have answered again, *Jesus Christus;* but she answered, "*Jesu Christe;*" of which several of the by-standers took notice, but Barré would have it that she said, or at least meant to say, "*Adoro te, Jesu Christe;*" (I adore thee, Jesus Christ.) Perhaps it may be pleaded, in behalf of the devil, that as grammar is of human invention, he scorns to subject himself to its rules; and makes solecisms designedly, to shew that he is above our vulgar forms of speech. Barré next interrogated the superior concerning the nature of our Saviour, to which she made answer, "*Jesus Christus est Substantia Patris:*" (Jesus Christ is the substance of the Father.") Then he asked her demon's name, to which the nun, after great solicitations and many convulsions, answered, that he was called "*Asmodeus.*" He asked how many devils she had? she answered "*sex,*" six. The bailiff desired Barré to ask Asmodeus in Latin how

many companions he had; which he did, and the nun answered "*quinque*," five. But being conjured, at the bailiff's request, to repeat in Greek what she had said in Latin, she made no answer, but returned directly to her natural state. As soon as she was calm, the exorcist asked her, by the bailiff's order, if she remembered what had passed during her convulsions. She said, "no." "But," replied the bailiff, "you must, at least, remember what happened at your entering into those fits; else why should the ritual appoint that demoniacs be interrogated as to what passes in their minds at those beginnings?" She answered, "that she found herself strongly solicited to utter blasphemy." The same day, by way of interlude, there appeared a little nun, another pretended demoniac. She came in sneering, and pronounced "Grandier," with a loud laugh; but as she did nothing, but grinned and smiled, it was not judged proper to give her the communion. After her the lay-sister re-entered, and she too pronounced "Grandier," with a laugh, making several grimaces, putting herself into indecent postures, and repeating an immodest expression several times over. Being asked in Latin, "*Quo pacto ingressus est Demon?*" (By what paction did the devil enter?) She answered "*Duplex;*" which shewed that her devil had learned but little Latin. During her convulsions she did not appear insensible; for she desired they might take a pin out of her sleeve, which was pricking her. Upon returning to herself, she declared that she remembered all that passed, and that the exorcist had sufficiently tormented her.

In the evening, in presence of the judges, the superior was again exorcised in like manner. To the exorcist, who asked her in Latin "what magician had made the compact between her and the devil?" she answered "*Urbanus.*" And when he urged her, "*Estne Urbanus Papa?*" (Is it Pope Urban?) she replied, "Grandier."

The bailiff, to bring the matter to a short issue, offered to sign his belief of the possession, provided the demoniac would give him a proper answer to two or three questions, which he would put to her. The exorcists agreed to the proposal; but the devil, it seems, would

not give his consent, for he shut the scene, by putting a stop to the convulsions; and it being now late, the company withdrew.

The next morning, in presence of the same judges, the exorcisms were continued. Barré, and the prior of the Carmelites, being suspected of prompting the possessed, cleared themselves by horrid oaths before the holy sacrament. After this, the superior being interrogated in Latin, to what pact her possession was owing, answered in the same language, that it was water. A Scotch gentleman, of the name of Strahan, principal of the college of Loudun, desired her to give the English name for water; but her reply was, "*nimia curiositas;*" (too great curiosity;) adding these words, "*Deus non volo;*" and being adjured in the name of God to speak properly, she repeated, "*Deus non volo.*" The exorcist, willing to divert the company from taking any further notice of such a glaring impropriety of language, said it was not to be expected that gentlemen should be gratified in such excess of curiosity.

Meanwhile, the bye-standers were of opinion that, as the ritual made the gift of tongues a diagnostic of diabolical possessions, this trial ought to have been made; the Hebrew tongue was proposed as a dead language, and what the devil ought to know better than any, as being the most ancient of all; which motion was seconded with general applause. The exorcist, having thus embarrassed himself, was obliged to command the possessed to give the Hebrew name for *aqua*, (water:) she gave no direct answer, but was overheard saying, in a low voice, "*ah je renie.*" A Carmelite, who was at a little distance, thinking himself concerned to save the honour of the demoniac, affirmed that she said *zaquad*, which is a Hebrew word importing *effudi aquam*, (I have poured out water;) though all those who were nearer unanimously attested that she said the former words. The sub-prior of the Carmelites was so equitable as to rebuke that father publicly. Thus the devil never would have imposed upon the credulity of the people of Loudun, had not officious persons assisted him to disentangle himself from the snares in which he was caught

A scene so public could not long be a secret to Grandier; the next day he presented a petition to the bailiff, setting forth at large; "That the nuns maliciously continued to give him for the author of their pretended possession; though he had never seen any one of them, nor had ever had any communication with them, any more than with their pretended demons; that, in order to put a stop to the calumnious suggestion whereof he complained, it was absolutely necessary to sequestrate the nuns who called themselves possessed, it not being reasonable that Mignon and Barré, his mortal enemies, should have them under their direction, and pass whole nights and days with them in private; a proceeding which plainly shewed whence the suggestion arose; that the honour of God, as well as his own, was concerned therein, especially as he held the chief place among the ecclesiastics of Loudun. Upon all these considerations he prayed him to order the pretended demoniacs to be sequestrated, and kept apart the one from the other, that they should be under the direction of churchmen, of whom the petitioner had no suspicion, and be attended by physicians; and that the whole should be executed notwithstanding any oppositions or appeals whatever, on account of the importance of the affair. And in case he did not think fit to order the sequestration, he protested to complain of it as a refusal of justice." The bailiff promised to take care that he should have right done him.

Scarcely was Grandier gone out, when the physicians of the town, who had attended at one of the exorcisms, entered to make their report, which they had put down in writing. It was to this effect: "That they had seen the convulsive motions of the prioress; but that one visit was not sufficient in order to a discovery of the cause of those movements, which might be natural as well as supernatural; that they desired to see those possessed nuns, that they might examine them privately, and be able to judge of the cause thereof according to conscience and the best of their knowledge; and for that effect they begged leave to stay by them day and night without removing, and to deal with them in the presence of other nuns, and of some magistrates; that

they might receive no victuals nor medicines, but from their hands; that nobody should be allowed to speak or converse with them, but so as to be heard: on these conditions they promised faithfully to report what they should observe, touching the cause of the convulsions.

After this report was written and signed, the bailiff repaired to the convent, attended by several of the inferior judges. The prioress was taken with her usual convulsions, upon which the exorcist proceeded to give her the communion. During the celebration of mass, the bailiff observed a young man with his hat on, whom he commanded either to uncover or withdraw. The prioress hearing this, cried out, "There are Huguenots among us." The exorcist asked her how many were of them? She answered, "Two." They were computed, however, to be no fewer than eight. Being made to declare upon oath that she did not understand Latin, they proceeded to interrogate her about Grandier. The bailiff desired she might be asked where he then was; which question being one of those prescribed by the ritual, could not be refused. Being, therefore, put to the possessed, she answered, "that he was in the castle-hall;" but, upon enquiry, he was found to be elsewhere. This unexpected blow put the prioress and her exorcist to a terrible nonplus. The convulsions ceased, and the devil became mute; not knowing what other expedient to take, hymns were sung, but still the devil continued sullen. At length Barré, having recovered his spirits, sent for sister Clare, that one devil might rouse another. But by this time the bailiff and the rest of the judges were quite sick of their entertainment, and retired full of indignation.

The devil having lost his honour in this last encounter, it was judged necessary to give him an opportunity of recovering himself; he had none upon his side, but people who are so credulous as to believe the father of lies upon his own word. The exorcists put it into the nuns' heads to say, that they would have no more to do henceforth with such incredulous spectators as the bailiff, and the officers who accompanied him.

Grandier hearing of this resolution, presented a third petition to the bailiff, of the same purport with the for-

mer two; craving, in the strongest terms, that the pretended demoniacs might be sequestered, taken out of the hands of Mignon, Barré, Granger, and their adherents, and be put into the hands of other ecclesiastics approved of by the Bishop of Poictiers, and of physicians whom the bailiff should be pleased to name, that the innocence of the petitioner might be cleared to the conviction of all the world. The bailiff again wrote at the bottom of the petition, that the petitioner should have justice done him.

Though Grandier's petition to have the nuns sequestered was very regular and equitable, the bailiff, however, found great difficulty to grant it, in regard that it was opposed by the nuns themselves, who were subject to the ecclesiastic court. So that he was afraid of giving umbrage to the bishop and the clergy of his diocese, if he went farther, and lest his procedure should be declared void.

In this embarrassment, he called an assembly of the inhabitants of the town, to deliberate upon the remedy proper for him to apply. The resolution of this meeting was, that he should write to the Bishop of Poictiers, and the attorney-general, informing them of what had happened, and desire them to put a stop, by their authority, to the course of those pernicious intrigues. The bishop deigned not to give him a return. The attorney-general answered, that as the affair in question was purely ecclesiastic, the cognizance thereof belonged not to the parliament.

The bishop was not silent to the petitions that were presented to him by the enemies of Grandier, the supposed authors and promoters of the possession. Disconcerted by the bad success of their last exorcisms, they made their address to that prelate, praying him to name ecclesiastic commissioners of his own choosing, to attend the exorcisms which Barré should perform. The bishop named Basile, Dean of the Canons of Champigny, and de Morans, Dean of the Canons of Thouars, both of them relations to Grandier's adversaries, who were suspected to have procured the choice and nomination of them by underhand dealings.

The two new commissioners set out forthwith for

Loudun. At the same time, Marescot, almoner to the queen, had come thither to enquire into the truth of the story, that he might be able to give an account thereof to that princess, who was desirous to come to a fixed determination about it.

The bailiff and the lieutenant-civil, whose reports in the case were spread abroad, thought it their duty to prevent the illusion from reaching the court by Marescot's means; they repaired to the convent the day that the exorcism was to be performed, accompanied with their assessor, the lieutenant of the provostship, and a clerk. They were suffered to wait a long while at the gate, before any body would open to them. At length a nun came and told them they could not be admitted, because they were suspected persons, and had given out that the possession was a mere trick and imposture. The bailiff, without troubling himself to make words with the girl, ordered her to go and call Barré to them, who appeared some little time after, vested in his sacerdotal habit. The bailiff complained, in presence of Marescot, that he, and the officers in company with him, were refused admittance, which was even contrary to the orders of the Bishop of Poictiers. Barré declared, that for his part he was not against their being admitted. "We come with that intent," replied the bailiff, "as also to desire you to propose two or three questions to the pretended demons, conformable to what is prescribed in the ritual. You will not refuse," added he, "to make this trial in presence of the queen's almoner, whom she has sent hither, since this is the way to remove all suspicion of collusion and imposture."—"I will do in that, Sir, as I think fit," replied the modest exorcist. "Tis your duty to do it, if you be sincere," said the bailiff; "since it would be offering an insult to God, to give him glory by a false miracle; and doing an injury to religion, to give a sanction to the truth by frauds and illusions." Barré replied: "That no man could call his integrity in question, and as he knew the duty of an exorcist, he would take care to discharge the same; as for them, they ought to remember, that the last time they had been present at the exorcisms, they had gone away with signs of resentment." The magistrates, after their reite-

rated importunities, had availed nothing, laid him under a strict prohibition to propose no question that might tend to defame any man, of whatsoever quality he was, upon pain of being treated as a calumniator, and disturber of the public peace. His reply was, "That he disowned their jurisdiction;" after which, they withdrew.

Thus the artificers of the possession were going to pursue their game without any molestation, when the Archbishop of Bourdeaux, metropolitan of the diocese of Poictiers, came to the abbey of St. John, hard by Loudun; and, by the measures he took, soon changed the face of affairs, and discredited the possession.

He sent his physician to Loudun, to examine into the pretended demoniacs. All was calm, not the least vestige of a possession to be seen. Grandier, however, who apprehended that his enemies would soon raise the storm anew, laid little stress upon this peaceful interval. He presented his petition to the archbishop; setting forth that his enemies having first entered against him a false indictment, wherein he had cast them by a judgment of the president of Poictiers, their malice had since trumped up a story that he had sent malignant spirits upon the Ursuline nuns of Loudun; that Mignon, one of the most inveterate of his enemies, having associated with Barré, had exorcised the pretended demoniacs, and vaunted that he had thrice dispossessed the devils, but that they had returned as oft by new pactions, made by the petitioner; that notwithstanding he had required them, for solid reasons, to desist from their exorcisms, they had still persevered in that scene of iniquity; that although the Bishop of Poictiers, whom he sued for redress, had declared he would not intermeddle in the affair, yet he had authorized Barré, and joined with him two new exorcists; so that he had reason to fear he might sink under the artful calumny of his enemies, if things were left in their present state of confusion: And therefore, that no farther possessions might be forged to his ruin, he petitioned his grace to prohibit the exorcisms of Barré, Mignon, and their adherents; to order the pretended demoniacs to be sequestrated: and appoint such persons as he should judge proper to inspect

their diet, and physicians to administer to them what medicines they should have occasion for; and if exorcism was necessary, that it should be performed in presence of the maigstrates.

The Archbishop of Bourdeaux, moved by all these reasons, ordered "That Father l' Escaye the jesuit, and Father Gau of the Oratory of Tours, should perform the exorcisms, if necessary, alternately with Barré, and in presence of each other; that the possessed should be lodged apart from the body of the community, with no other company, save one nun, who had never been infested by evil spirits; that she should be visited by two or three of the most skilful physicians of the Catholic religion, who should give her proper medicines, and try to discern if the possession had not its source in the imagination, in melancholy, or malice; in which last case, menaces should be used, and even discipline, to extort a confession of the cheat: if supernatural signs were observed; if the demoniac, for example, disclosed the thoughts of the exorcist, which he secretly expressed to his companions; divined what was a doing in distant places, declared it at the very time of its happening; made a discourse of eight or ten words quite correct and coherent, in languages which she had not learned; if bound hand and foot, and laid upon a mattress on the ground, she should, without any person near her, raise herself up, and entirely quit the ground without any support, and that for a considerable time; in all these cases, recourse should be had to exorcisms, and all efforts used to procure a visible unsuspected sign of the expulsion of the devil. That no other priest, unless he be called by common consent of the three commissioners, shall intermeddle, under pain of excommunication, to speak to or touch the possessed. And, in order to stop the mouths of libertines, and obviate all objections that may be raised by malice or incredulity, the bailiff, and lieutenant-criminal, and they only, are to be present at the exorcisms, and sign the minutes thereof, that shall be drawn up. And forasmuch as the convent of the Ursulines, by reason of its indigence, is not able to defray the charges that may be necessary on that occasion, the prelate ordains the disbursements to be made at his expence, and gives Barré an assignment for that effect upon the farmer of his abbacy of St. Jouin. And in case the Fathers l' Escaye and Gau are not able to execute their commission, he orders their superiors to substitute two other proper persons in their stead."

Such surprising effect had this order, that it put the devils to flight; Barré drew off to Chinon; the demoniacs made no more stir. Thence it manifestly appeared that the possession, like all other errors, dreaded the light, and was not able to stand its ground when once proper methods were taken to discover its nature.

The procedure of the Archbishop of Bourdeaux, compared with that of the Bishop of Poictiers, turned not a little to the honour of the former, and the infamy of the latter.

Grandier had the precaution to register the copy of the archbishop's ordinance, which had been notified to the bailiff; that this monument of that prelate's wisdom might remain a standing testimony against Barré, Mignon, and their adherents. But there soon arose against this unfortunate man a storm, which it was not in his power to lay, notwithstanding all the precautions he had taken.

The bad success of the possession created an universal disaffection to the nuns of Loudun; their boarders left them; no more young girls were sent to their school; they became the talk of all the world. They complained bitterly to Mignon, who had deluded them: Is this, said they, the amount of those magnificent promises you made us? Is it thus you have opened a way for us to extricate ourselves out of poverty?

Mignon, stung with grief and rage at his disappointment, did not however give up. We may say he hoped even against hope, since he could not possibly foresee the event which successfully renewed the possession of the demons. The way how it happened was as follows: A resolution being taken in the king's council, to raze all the forts that were in the inland parts of the kingdom, Cardinal Richlieu had no mind to spare the castle of Loudun, since he purposed, at the expence of that town, to embellish Richlieu, and induce the inhabitants of the former to transplant themselves to the latter.

Accordingly, a commission was given to M. de Laubardemont, master of the requests, to demolish the fortress of Loudun. This man was entirely devoted to the cardinal, the ordinary instrument of his vengeance, when that minister was disposed to put any person to death under a formal shew of justice.

Laubardemont had already distinguished himself in such sanguinary commissions, and has since been signalized in many more. He came to Loudun, and was in great intimacy with Memin de Silli, one of the cardi-

nal's creatures. Then the cabal took new heart; the chief of them were introduced by Memin de Silli to Laubardemont, who received them kindly, and entered into their design. The ingenious malice of the caballers had soon found out the secret of spiriting up the cardinal against Grandier.

There was at this time about the queen one Hamon, a woman of ordinary birth, who had been brought to court by that princess, because she had once the good fortune to please her, when she occasionally talked with her. At the time of the cardinal's disgrace, there was published a satire against that minister, under the title of la belle Cordonniere. Hamon was given out to have some hand in this performance, which contained several reflexions on the cardinal's person and birth; and particularly disclosed the secrets of an amour between him and a shoemaker's wife, who was alleged to have made him her captive. Though this intrigue had no other foundation but some frivolous appearances, the satire pierced the minister with the sharpest stings of resentment: for he was so jealous of his honour, that he could not so much as pardon the suspicion of an injury.

As Grandier was perfectly well acquainted with Hamon, who had been one of his parishioners, the cabal judged it convenient to attribute to him an epistolary correspondence with her, and father upon him the above satire. The capuchins of Loudun signified it in a letter to Father Joseph, a friar of their order, who was styled his grey-eminence, on account of the ascendant he had over the cardinal, who associated him with himself in the administration. Father Joseph persuaded the cardinal into the belief of this story, which at the same time revived the memory of an old grudge he had conceived against Grandier, which happened before his advancement to the ministry, when he was but Prior of Joussay, namely, his having disputed with him the precedence at Loudun, pretending as prebendary to be the first ecclesiastic of that city. The representation of this injury meeting with that untowardly remembrance, kindled at once all his revenge.

Such was the disposition of the cardinal when Laubardemont came to Paris, to give him a narrative of the

possession of the nuns. He was himself a spectator of their acting the whole part of demoniacs, wherein they were now thoroughly accomplished. The expelled demons had now returned, with other spirits still more wicked than themselves; they had taken possession of five other nuns, and of six lay-sisters; besides two others who were under obsession, and two bewitched.

This horrid story, with all its circumstances, being faithfully reported to the cardinal by Laubardemont, who, at the same time, gave Grandier for the author of the possession; that revengeful minister sent back his agent to Loudun, with an ample commission to carry on a process against Grandier and his accomplices. In this commission he was vested with an absolute and unlimited power, to judge Grandier under all the articles of impeachment that were laid, or should be laid against him.

The first step that Laubardemont took, was to order Grange, the provost's lieutenant, to imprison Grandier. Next an inventory was taken of his books and papers; among which was found the above-mentioned treatise against the celibacy of priests, written with his own hand; and two sheets of French verses, said to be very lascivious; but which could never be proved to be written by him.

All the papers, evidences, and sentences of absolution, which the accused might have used in his defence, were taken out of the way, notwithstanding the heavy complaints and opposition of his mother, then seventy years of age.

Informations began to be taken December 2, 1632. Two women were suborned to swear falsely against him. Fournier, the advocate, who was named king's attorney in the commission, resigned his office, making it a point of conscience. A second information was taken on the 19th, when the nuns were examined. Grandier's mother presented a petition to Laubardemont, wherein she excepted against him, and brought several reasons for so doing. To this petition he paid no regard, being authorised by his commission to proceed notwithstanding oppositions, appeals, or exceptions.

He made no difficulty to examine the witnesses in

presence of Grandier's enemies, who were always about him. Those who deposed for the exculpation of the defendant were dismissed with menaces, without allowing their depositions to be taken in writing, to the end that others, who were to be examined after them, might not follow their example.

At the same time there was published against Grandier a paper called a Monitory, wherein he was expressly named, which, under pretext of laying open the vile debaucheries he had been taxed with, had no regard to common decency, not so much as wrapping up the narrative in modest expressions. This Monitory was published by Monier, the priest, whom he had cast in the law-suit above-mentioned.

Whatever expedients were used in Grandier's behalf, both by his mother, and his brother German, a counsellor of the bayliwick of Loudun, were of no avail; in vain did they appeal by a writ of error from the order of the Bishop of Poictiers, who formed a different plan from that of the Archbishop of Bourdeaux, in managing the exorcisms; in vain they craved that the Monitory might be registered; their late reasons of exception against Laubardemont were rejected; that haughty judge tore in pieces their appeal to the parliament, which was notified to him, and gave his officers strict orders not to trouble him with any more of that kind, upon pain of exemplary punishment.

The Bishop of Poictiers named for his vicegerent in the trial, Demorans, whom he had nominated before for the exorcism; though he was related by friendship and consanguinity to Grandier's enemies, and that prelate knew him to be so.

Laubardemont carried Demorans with him to Angers, where this deputy examined Grandier for several days. The defendant never was inconsistent with himself, and confessed nothing which could be turned to his disadvantage; only he acknowledged ingenuously that he was the author of the treatise against the celibacy of priests, which was found in his cabinet.

After this, Laubardemont returned to Paris, where he staid near two months. The enemies of Grandier were startled at this absence, and sent Granger to him

to solicit his return as soon as possible. This deputation had the desired effect; he returned with a second act of council, empowering him to give judgment, without troubling himself about any appeals to parliament that might be offered, his majesty having prohibited that court to take cognizance of the affair.

Thus he was sovereign arbiter of Grandier's fate, conformable to the malicious wishes of that unhappy defendant's enemies. As soon as he had arrived at Loudun, he sent for Grandier, and confined him in an obscure prison, in a house belonging to one of the serjeants. From this confinement he wrote to his mother a very Christian letter, praying her to send him a bible, and a Thomas à Kempis, to furnish him with suitable meditations; together with a bed to lie upon, there being none in the prison-room.

They proceeded next to put all things in readiness for the trial relating to the possession, whereof Grandier was accused of being the author. The possessed nuns, who were nine in number, were parted into three bands, and lodged by themselves in three private houses. This sequestration it was thought would satisfy the public, who made a loud clamour, because it had not been hitherto ordered.

Grandier in vain petitioned for another sequestration, and that each nun should be lodged apart, under the management of such ecclesiastics and physicians as were unsuspected. Several physicians were chosen out of the neighbouring petty towns, who were men of no reputation. The opinion of Daniel Roger, physician of Loudun, who was a gentleman of merit, had no weight against that numerous tribe of ignoramuses.

Adam, the apothecary, who was one of the number, had been a witness against Grandier in a former charge, and had been condemned to make reparation to a young lady of Loudun, whom he had defamed. Manouri, the surgeon, another of the select committee, was Memin's nephew, and brother-in-law to a nun; thus he too was justly suspected.

Grandier complained of the unjust choice, prayed Laubardemont to look out for men of experience and integrity, and not for such as were justly obnoxious to

suspicion in both respects. But this arbitrary commissioner was deaf to all these remonstrances; he did not so much as register the petitions which Grandier presented to him, though he promised to do it. He now took off the mask, and began openly to oppress the defendant.

Laubardemont set the exorcisms again a-foot. The Bishop of Poictiers named for exorcists his prebend, and Father Lactantius, a recollect.* The former ought justly to have been excluded, because he was one of the Judges who had condemned Grandier before; and as for the second, we shall soon see what was his character.

Meanwhile, it was more owing to their good fortune than good management, that the bungling artifice did not misgive. The prioress being interrogated in bad latin by Father Lactantius, in what shape the devil had entered into her, answered, in form of a cat, of a dog, a buck, and he-goat. *Quoties?* replied the exorcist, how often? I did not, says she, take good heed to the day; taking *quoties* to signify when.

In her return from the exorcism, as she was passing by Grandier's prison, she said she could go no further, because she saw his hand at the chamber-window. This notion of hers was laughed at, because it was impossible for her to see his hand from that place.

It was ordered that Grandier should be inspected, because the prioress said he had five of the devil's marks upon his body, which gave him an insensibility in those parts. He was stript stark naked, his eyes hood-winked, and his body shaved all over. Manouri, the surgeon who surveyed him, had a probe, which he made use of to shew that the defendant was insensible in some places: he turned the round end of the instrument, when he had a mind that the accused should feel no pain, whence he concluded him to be insensible in that place: but when he would shew him sensible elsewhere, he turned that end of the probe which was pointed, and pierced the skin to the bone, so as to make the patient

* A sort of Franciscan friar.

cry out piteously. This operation the surgeon repeated several times in presence of Laubardemont, who had always sufficient strength of mind to bear such sights. It was observed, that the day after the visitation the devil, who had not told the place where Grandier's marks were to be found, pointed them out particularly after this trial was made.

It was asked of one of the demoniacs, where Grandier's books of magic were? she answered, they were in the custody of a young woman, whom she named. Laubardemont went thither with a guard, and, after they had rummaged the house all over, found nothing. Upon his return, he taxed the devil with having put a cheat upon him. The demoniac answered, that the niece of that young woman had carried away the books. This niece was found in a church, where she had been about her devotion at the time specified by the devil. Here again the devil was found a liar; and his motive for thus attacking the court was too visible, for this was she to whom Adam the apothecary had been obliged to make reparation, for falsely accusing her of holding a criminal correspondence with Grandier.

The same devil impeached Grandier's brother of magic; in consequence of which charge he was arrested, and deprived of the liberty of pleading for the defendant. He was confined in prison till after his brother's death, and had much difficulty to get out even then.

In the beginning of May, 1633, one of the prioress's devils, for she had now seven of them, promised to carry her up into the air. But at the time that the prioress was believed to be suspended, one of the spectators lifted up the skirt of her robe, whereby it appeared, that she rested the extremity of one foot on the ground.

In order to re-animate curiosity, which was ready to die away, Father Lactantius promised, that on the 20th of May, without failure, three of the seven demons, who possessed the prioress, should quit their post. It was foretold, that at departing they should give the demoniac three wounds in the side, and make as many holes in her smock, in her stays, and gown; the largest of the wounds was to be of the length of a large pin, which was shown to the spectators; the places where the

wounds were to be made, were exactly specified. They assured the commandant of the Porte, who had come to Loudun out of curiosity, that the demoniac should have her hands bound behind her back, when the wounds were given her. On the day appointed, the church of holy-cross was crowded with spectators. The physicians inspected the patient's sides, her stays, her gown, and smock, and reported that they had found no wound in her body, no solution of continuity in her cloaths, nor any cutting weapon in the folds of her robes. After this inspection, Father Lactantius interrogated the devil in French, and was answered in the same language; and when Duncan, the physician of Saumur, represented that he and others had been made to believe that the patient was to have her hands bound, the exorcist said, they should be bound to stop the mouths of the incredulous.

We shall find, however, that the demoniac had the use of her hands. After throwing her body into violent convulsions, she turned herself upon her face, and resting upon her arm and left side, remained for some time in that position; at length she was overheard to give a groan, and when she had drawn her right hand out of her bosom, the extremities of her fingers appeared stained with blood. The physicians searched into the cause of this complaint, found her gown pierced in two places, and her stays and smock in three, about an inch in length; they likewise found her skin pierced in three places below her left breast; the wounds, however, were so slight, that they hardly went beyond the skin; that in the middle was of the length of a barley-corn, the other two were neither so large nor so deep; however, there issued blood out of all the three, wherewith her cloaths were stained.

Incredulity raised a murmur in the assembly; Laubardemont himself appeared dissatisfied with this sham miracle, and seemed apprehensive of being suspected; but the credulous prevailed by numbers, and the judge, in spite of his dissatisfaction, hindered the physicians in their report, from making mention of the instruments which had inflicted the wounds. But he could not secure this bungling devil against criticism. Duncan,

the physician, printed observations, wherein he says, that of all the signs which the devils had promised, they had only tried the easiest, and that wherein the people were most liable to be deceived; that the prioress's cloaths had not been strictly searched: besides, the spectators were made to believe, that she would have had her hands bound when the wounds were given; whereas her hands were free, and concealed from the view of the bye-standers, when she was wounded; that the wounds were not found precisely in the place that had been designed, nor were they of the promised largeness; that if they were inflicted by the claws of the devil, those claws must be shaped like a small penknife, or a lancet, since their incisions were such as those instruments use to make. He observed, that the cloaths where the instrument might have been concealed, after the wounds were given, were not thoroughly searched; for, to do that to the purpose, the maid ought to have been stript to the smock, which decency did not permit. Besides, the instrument was so small that she might easily have dropt it among the crowd. That if the devils went out of her at the time when those wounds were made, they had done it of their own accord, and not by force of the exorcisms, since the exorcist had given them no such command: lastly, that they had made but two holes in the robe, though they had promised three; for which he could find no other reason, but that one of the incisions had been given in a place where the garment was open before.

Laubardemont did not much like this piece of criticism, which tended to expose the ridiculousness of the possession: he would have taken a severe revenge upon Duncan, if that physician had not got the marshal *de Brezé* to be his protector.

As these remarks concerned Grandier more nearly, he let none of them escape in his defence, and added several new ones of his own.

"He said, it was obvious the devil's measures had been disconcerted; that he perceived it was the exorcist's scheme to have the hands of the prioress bound, after she had given herself the wounds; then he was to have commanded the devils to come out, and give the promised signs; upon which the patient was to have made

surprising contortions, and after a long convulsion to have been dispossessed, and the wounds found in her body; but she not being able to forbear groaning when the wounds were inflicted, had marred the plot, by obliging the physicians to enquire into the cause of her groaning, by which means the wounds were discovered, and the devils found to be gone out before their time. Why, says Grandier, did they choose for signs, wounds like those that are made with a cutting weapon; though we are told that the wounds which the devils make, resembled those of burning? Why, but because it was easier for the prioress to hide a weapon and wound herself with it slightly, than to conceal fire in her bosom, in order to give herself a burnt mark. For what other reason did they choose the eft side rather than the nose or forehead? but because she could not have wounded herself in those places, without exposing her action to the view of the whole assembly. Why did they choose the left side preferably to the right? doubtless because it was easier for the prioress to reach over her right hand to the left side, than to bend it in towards the right. Why did she lean upon her arm and left side? the reason is plain, because this posture, wherein she remained for a considerable time, made it easy for her to hide from the spectators the weapon with which she wounded herself. Whence came the extremities of her fingers to be stained with blood? whence, but from handling the weapon which gave the wounds; lastly, how came these wounds to be so slight, since the devils are known to mangle and tear in pieces the demoniacs when they retire? is it not because the prioress did not hate her own flesh so much as to give herself deep and dangerous wounds; the hand was too much a friend to the body, to put it to such pain."

Notwithstanding this confutation of the pretended miracle, an attestation thereof was signed by the judge, and produced in support of the charge against Grandier.

The exorcist, in order to put a fair face upon this bungling operation, interrogated one of the remaining devils with whom the prioress was possessed, why his three companions had gone out of the demoniac while her face and hands were hid from the view of the spectators. It was, answered he, to furnish a handle to incredulity. The father added, that as most of the spectators came out of mere curiosity, and he was afraid with polluted minds, they did not deserve to have their doubts entirely removed. Such was the resource of the exorcists: if the tricks which they played succeeded, they were so many miracles, wherein might be discerned the power of God communicated to his ministers; if they misgave, the cause must be resolved into the incredulity of the spectators.

It had been given out that six strong men were not able to hinder the demoniacs from making their contortions. Duncan shewed that nothing was more false. Father Lactantius having ordered the devil of the prioress to exert his power, Duncan, with one of his hands, griped the right hand of the nun so fast, that she could not make him quit his hold. "If you be acted by a demon," said Duncan, in a very high tone of voice, "let him put forth his power, he must needs be stronger than I."—"For all your being so good a philosopher," replied the exorcist with some bitterness, "your reasoning is bad; for a demon out of a body is superior to you in strength: but in a feeble body, such as this, he must needs be weaker: for his natural actions are proportioned to the forces of the corporeal organs upon which he acts."—"It seems then, my father," replied Duncan, "you do not remember to have read in the gospel, that a demoniac broke the chains and fetters with which he was bound,* and that among the marks of possession, the ritual reckons the patients exerting feats of strength above their age and condition."† The Father, however, did not give up the point; and Duncan let go the prioress's hand. The day after, as he was holding the hand of sister Agnes, one of the possessed, he was desired not to squeeze her hand so hard, nor interrupt the operations of the demon. Laubardemont, the commandant of the Porte, and several persons of note, were present at this scene.

The first time that Duncan appeared before the prioress, whom they were exorcising, her devil being conjured to tell Duncan's name, called him at first Benedict, then Tissier, two other physicians of Naumur, whose names she had heard of; after which he turned sullen and would answer no more.

On the 13th of June she vomited a quill of an inch in length, and on July 8th a silk button: all these circumstances were entered upon record as supernatural,

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* Vinciebatur catenis, et compedibus custoditus, et ruptis vinculis agebatur a Dæmonio in deserto.—*Luc.* viii. 29.

† Vires supra ætatis et conditionis naturam ostendere.

though there have been persons seen, not under possession, who vomitted pins, pieces of timber, or iron, which they had swallowed; consequently, neither is this effect above the powers of nature.

The Bishop of Poictiers came to Loudun, not to be informed, he said, of the truth of the possession, but to gain those over to the belief of it who were still in doubt, and help to detect the magicians.

He exorcised none, but had the exorcisms performed in his presence, and allowed the exorcist all along to take Grandier's diabolical compact for granted. "*Infringo*," said Father Lactantius in exorcising, "*omne pactum, sive a Domino tuo Lucifero, sive a Magistro tuo Granderio :*"—I annul all compact made either by your Prince Lucifer, or your Master Grandier.

A strange kind of argument, for the truth of the possession was, at this time, made use of, namely, that the king, the cardinal, and the bishop believed it, and consequently it must be true; and the incredulous were represented as heretics and reprobates. But, to be sure, there was very little in this, for neither the king nor cardinal were well informed; besides, the latter was blinded with revenge; so that there remained only the authority of a prepossessed bishop to be opposed to the general incredulity.

On the 23d of June, it was thought proper to gratify the people with the spectacle of Grandier exorcising the demoniacs. By order of the judge he was brought out of prison. They produced to him four pacts, composed of different materials, mentioned in the preceding exorcisms. Grandier answered, with firmness of mind, that he had made none of these pacts, nor knew any thing of that art whereby they were made, having never had any communication with demons. Eleven possessed nuns were brought in, who testified great joy at the sight of him, and called him their master. Father Lactantius gave a short exhortation to the assembly, spoke of the great advantages which might accrue to the church from these possessions, in spite of the devil himself; filled the minds of all with a sort of religious horror, which exceedingly engaged their attention. He next addressed himself to Grandier, told him that as

he was a priest and pastor of the church, it was his duty to contribute to God's glory, by exorcising the unhappy subjects of diabolical possession, provided my Lord Bishop, who might, by his authority, suspend the interdiction for a time, would give him leave. The bishop granted him permission. Then Father Lactantius presenting the stole to Grandier, asked the bishop whether he allowed him to put it on; to which the other said, he did allow him. In like manner Lactantius presented him with the ritual, which Grandier did not take till he had received the bishop's benediction, and prostrated himself at his feet to kiss them. They sung the *Veni Creator*. Then Grandier said to him: "My lord, whom am I to exorcise?"—The bishop answered, "These young women."—"What young women?" replied Grandier.—"These young women, possessed with demons," says the bishop. "The church," says Grandier, "believes possession, I believe it too; but that a magician has power to entail possession upon a christian, without his consent, I do not believe." Some cried out he was a heretic for advancing such a proposition, that the contrary truth was unquestionable. Whereupon he answered: "That is was a point wherein he was not absolutely determined; that he submitted himself to the faith of the church, and could not be deemed a heretic, unless he persisted in an error condemned by the church; that he had delivered himself so, only in order to be assured from his bishop's mouth, that there would be no abuse of church power in exorcising." They presented to him one sister, Catharine, so extremely ignorant, that had she answered interrogatories in Latin, it might have passed for a miracle indeed. He began the exorcism in the form prescribed in the ritual, but was not able to continue, by reason of the strange howlings of the possessed. Her sister Clare advanced, and taxed him with spiritual blindness, obduracy, and hardness of heart. Upon which he said to her: "It is a proof of possession when the devil speaks a language to which the Energumen is a stranger: You understand Latin, I will therefore interrogate you in Greek." She answered: "Ah, how subtle you are! as if you did not know it to be one of the first conditions

of the compact between you and me, that I am not to answer in Greek." To which he replied: "*O præclara illusio, egregia evasio!*"—A fine illusion, an admirable evasion! He was then told, that he might exorcise in Greek, provided he first delivered in writing the questions he intended to ask. The demoniac herself offered to answer him, notwithstanding the compact, in whatever language he pleased: but he was not allowed to take her at her word, because all the possessed, in concert, raised such a terrible caterwauling as we can compare to nothing but a witch's sabbatism. They all accused him of witchcraft and magic. Grandier, without any great emotion or disorder, regarded them with eyes of pity. He loudly protested his innocence; and upon their offering to break his neck, if they were permitted, he answered: that in case he was the author of the crime laid to his charge, he consented that the devils should break his neck, or, at least, set a visible mark upon his forehead; that thereby the glory of God might be manifested, the authority of the church exalted, and himself confounded, if he was guilty. But they said they would not give the demon a permission, which might bring the power of the church into question, on account of the compact that Grandier might have made with the devils, whereby he must needs be secure from their rage.

The exorcists, who were eight in number, imposed silence upon the devils. They threw the pacts into the fire the one after the other, which raised anew the transports of fury and howlings of the possessed, till they took breath a little, to accuse Grandier of scandal, obduracy of heart, witchcraft, renunciation of faith, and disbelief of a God. They specified the days and places of their having had communications with him.

He answered them, with admirable firmness, that he renounced Satan and all the devils in hell; that he acknowledged none of them, and held them at defiance; that in spite of them he was a Christian, and a Christian priest; that he was indeed a great sinner, but he put all his confidence in Jesus Christ; challenged those who accused him of so many abominations, to produce one pertinent and authentic testimony.

This frightful scene made a strong impression upon the people, even upon those who were masters of the greatest resolution; because it seemed almost incredible that the nuns could be capable of such excesses. Grandier, however, with all the composure imaginable, sung the hymns of the church along with the rest of the people. One of the demoniacs attributed his fortitude to the power of Beelzebub, whom she said he had by him. He enjoined her silence, using the word *obmutescas;* which was acknowledged by the devil to be the watch-word, but that he could not obey it at present, being compelled to speak by the word of God, which was stronger than all the powers of hell.

Had not the possessed been restrained, they would have torn him to pieces; they threatened to strangle him, at the same time calling him their master. Upon which Grandier said: though he was neither their master nor their servant, he could not but observe their inconsistency, in threatening to strangle him whom they called their master: whereupon they threw their slippers at his head, which action he only thought fit to laugh at. After this he was carried back to prison.

Such was the success of the exorcisms; and, as all unprejudiced people could not help condemning the whole management, it was thought necessary to stop the mouths of free-speakers, by an ordinance, dated July 29th, issued by Laubardemont, wherein it was prohibited that any should gainsay the possession of the nuns, or their exorcists, upon pain of forfeiting ten thousand livres, and of suffering corporal punishment, as the case should require.

This ordinance, which was published over all, was a prelude to Grandier's condemnation. Those unreasonable men would needs have the possession of the nuns believed in spite of all the gross frauds that had been detected.

What served to expose their assurance still more, Sister Clare, on the 3d of July, declared publicly in the church of the castle, where she was exorcised, that the whole of what she had said for these fifteen days past was mere calumny; that she had been prompted by Father Lactantius, Mignon, and the Carmelites; and

that if she had been sequestrated, the truth would have been discovered.

Sister Agnes, encouraged by this example, after she had, with tears, implored the spectators to stand by her, made the same retractation with the other: they both declared that they reckoned upon being ill-used in the convent for the future; but that the cutting remorses of conscience, with which they were tormented, had compelled them to give honour to God and the truth, whatever should befal them.

La Nogeret, one of the secular nuns, being exorcised, protested, in like manner, that she had accused an innocent man; and turning now to the bishop, and then to the judge, told them she made this confession in order to disburden her conscience. Laubardemont only laughed at her, and the bishop seemed quite unconcerned. But the exorcists would needs have it to be an artifice of the devil to save Grandier, and nourish his votaries in their incredulity: whereas, when the devil accused him, he was then forced, they said, to speak the truth.

From the moment it was known who were named judges with Laubardemont, Grandier was concluded to be undone. They were all chosen by his enemies, and were easily moulded into their impressions.

While the plot was ripening to its catastrophe at Loudun, Barré, at the same time, was helping it forward at Chinon, by exorcising two of his devotees, who were trained to an artful mimickry of possession, and accused Grandier of their fascination. The lieutenant-criminal of the place drew up a written report of those exorcisms, which was employed against the defendant; whereas no regard was had to that of the bailiff and lieutenant-civil of Loudun.

They attempted even to bring the bailiff himself under suspicion, by subborning their demoniacs to accuse him of sorcery.

Elizabeth Blanchard, one of the seculars under possession, being exorcised, accused the bailiff's wife of sorcery, and impudently alleged upon her, that she had the compact about her: but she having challenged the

exorcists, and the devil of the possessed, to prove her allegation, all their combinations against her came to nothing.

Houmain, lieutenant-criminal of Orleans, and Texier, lieutenant-general of Saint Mairant, were chosen recorders of the trial. Grandier wrote to his mother, that as the old accusations could not be renewed against him, since he was acquitted from them, and the charge of magic was chimerical, and had no shadow of evidence to support it; he hoped, from his own innocence, and the equity of his judges, that he would not be condemned; adding, that the commission, wherein the judges were nominated, had been read to him.

But whatever good opinion the defendant appears to have had of his judges, the impartial world concluded, from their knowledge of the men, that his ruin was determined; and the sober part of the inhabitants of Loudun, to shew what opinion they had of them, assembled in a body, in the Town-house, at the toll of the bell, and drew up a letter to the king, setting forth:

"That in exorcising some regular and secular nuns, who pretended to be possessed, the exorcists had prostituted their sacred office, in putting interrogatories to them which tended to defame the best families in the city; that Laubardemont, upon the testimony of those pretended demoniacs, had made a riotous intrusion into the house of a young woman, and rummaged it all over for books of magic, with which she was falsely charged; had apprehended others in churches, and, after shutting the gates upon them, searched them for diabolical compacts, which they were alleged to have about them; and though nothing was found, yet this very scrutiny disgraced them in the eyes of the world. That a new kind of doctrine was then propagated through the city; namely, that the devil, when duly exorcised, was compelled to speak the truth, and that his declarations were to be received not as from the father of lies, but as from the church, which has power to extort from him a true confession. That this pernicious doctrine had been preached before Laubardémont, and upon this sole foundation a young lady of distinction in the city had been arrested by the provost's exempt, confined two months in prison, and released at last only upon security given by her near relations. That they saw, with deep regret, persons of the strictest virtue exposed to the malice of those demoniacs, who commit horrid profanation in presence of the holy sacrament, and prey upon the credulity of the vulgar. They therefore petition, that this pernicious doctrine may be examined by the doctors of the Sorbonne, and that it may be permitted to the petitioners to appeal to the parliament of Paris

from those interrogatories which the exorcists put, whose aim is to wound the good name of persons of approven integrity; they having no other resource against this oppression, under the weight whereof they groan, but in the royal authority,"

Laubardemont was extremely incensed against this meeting, the resolution taken by them, and the letter they had written. He presently convened the other commissioners, and, at the instance of the attorney-general to the commission, annulled the act of that assembly, as made in defiance of their authority, upon the credit of facts that were calumnious, injurious, and had a tendency to promote popular sedition. They ordered the minute of this act to be brought into their register, in order to be communicated to the attorney-general, and that an order might be taken upon it accordingly. They strictly prohibited all bailiffs, sheriffs, and others, to convene any assembly, to consult about affairs which concerned the power of the commission, or make any attempt against their authority, upon pain of forfeiting 20,000 livres, and of incurring a higher penalty if the case required; saving to the inhabitants, and others, a right to sue before the commissioners, if they had any complaints to offer against the exorcisms, and other circumstances and proceedings.

This sentence was read, published with sound of trumpet, and notified to the bailiffs and sheriffs, in the month of August, 1634.

Thus Laubardemont would needs have all complaints of his abuse of power to be brought before his own tribunal; and constituting himself both judge and party, cut off those who suffered by his tyranny from all possible means of redress.

Grandier presented a new petition, praying that a second examination of his person might be made by physicians and surgeons of approved skill and integrity, remonstrating against their former choice. To shew the reasonableness of his petition, he quoted a passage from Pigrai, surgeon to Henry III. in his Epitome of Physic and Surgery, where he says: that fourteen men, who were accused of sorcery, and condemned to death, by particular judges, were, nevertheless, acquitted by the parliament of Tours, upon a new examination,

which was made by the author, who found neither mark, nor any untoward appearance upon the bodies of the accused.

This petition, however, was rejected; which, together with the many former refusals of justice, the denying to hear his defences, and to allow him an extract of papers that were employed against him, at length opened his eyes; he began to see that he must be cast, since there was a necessity either to condemn him of magic, or to condemn the nuns, many holy fathers, ecclesiastics, and other persons of distinction, of the most foul and atrocious calumny.

However, that he might not seem to desert his own cause, he expostulated with them in the strongest terms; represented to them that they were bound to execute their office according to the laws of equity; made a solemn appeal to their consciences, and conjured them, in the name of God, to take heed what they were about, remembering that they were but mortals, and must themselves be arraigned before the bar of infinite justice, to give an account of their decisions: that he who is the Judge of judges, was present among them, and they would do well to do nothing till they had first asked council of Him, who takes the innocent under his peculiar protection.

But all his remonstrances were vain. Sentence was given by the Bishop of Poictiers, declaring the Ursuline nuns of Loudun, and the lay-sisters, who had been exorcised, to be actually possessed. Which sentence was notified to the defendant, together with the opinion of the four doctors of the Sorbonne, who had decided in the same way. It having been represented to them, that the possessed had been carried up two feet from the ground, and that, being laid on a quilt, they had raised themselves without using any effort of their hands or feet, and without bending their body; by which misrepresentations the doctors had been imposed upon.

The commissioners next proceeded to give judgment against Grandier, after using all the formalities of religion, which persuaded the people, that they had the most upright intentions, and were influenced by no worldly views.

That the reader may see upon what grounds they proceeded, we shall give an abstract of the probation, taken from their records.

They observe, that as the possession of the Ursuline nuns is the foundation and subject of the process, they must examine into the truth of this possession, from such testimonies as the nature of the thing is capable of.

The Bishop of Poictiers, after having attended most of the exorcisms, and signed the minutes that were taken of them, has declared in his verdict, that he took the nuns in question to be actually possessed. His judgment is conformable to that of the four doctors of the Sorbonne, with this difference however, that my lord bishop took cognizance of the fact in his own person, and the doctors judged upon the testimony of others. The four exorcists, namely, Father Lactantius the recollect, Fathers Eliseus and Tranquillus, capuchins, with a Carmelite, have also given their attestations to the truth thereof; several preachers have harangued the public about it from the chair of verity; the physicans of Poictiers, Niort, Fontenay, Loudun, Thouars, Chinon, Mirebeau, and Fontevrault, after having observed the movements and agitations of those nuns, judged the whole to be supernatural.

Two circumstances, which appeared surprising to the judges, were what befell the superior and Sister Clare. The day after the former had deposed, as Laubardemont was receiving the deposition of another nun, she came in her smock, bare-headed, with a rope about her neck, and a taper in her hand, and stood in this posture in the midst of a court of the convent, under a heavy fall of rain. As soon as the parlour-door was open, she bolted in, and falling on her knees before Laubardemont, told him she was come to ask pardon for having accused the innocent Grandier: then rushing away, went to fasten the rope to a tree in the garden, with a design to strangle herself, had she not been prevented by the nuns who ran up. This the judges construed as an effort of the devil to save Grandier, and turned it into an accusation against him. The other nun was seized one day with such a strong impulse to gratify her passion, that she told it aloud; and, being

no longer mistress of herself, rose up in church where she was, and going home to her chamber, threw herself, like one distracted, into indecent postures, which were too plain indications of the flame she could not quench: this was another proof against the defendant.

As to the secular nuns who were under possession, great stress was laid upon the deposition of Elizabeth Blanchard, confirmed by that of Susanna Hamon. Blanchard confessed that Grandier had carnal knowledge of her; and that, in the midst of those great familiarities, he had promised, that if she would go with him to the witches' meeting, he would make her queen of the magicians.

The deposition of Barré too weighed not a little, who declared, that upon his commanding the devil of the prioress to go out of her, and, in token of his expulsion, to seize upon the author of the witchcraft, it was observed that Grandier immediately left the company where he then was, being seized with indisposition; and being interrogated at the bar, concerning this fact, appeared to be disconcerted, though he had never been so before in the whole course of the trial.

Among the extraordinary evidences, they reckoned the marks upon the defendant's body, which were notified by the demon Asmodeus. Grandier was inspected by eight physicians, who declared that they had found two suspicious marks upon him, the one in the shoulder, and the other in the pudenda; into the first of which having thrust a needle to the depth of an inch, the patient felt no pain, and no blood issued, any more than from the other mark, on which they tried the same experiment. It is true Asmodeus said the defendant had five marks, whereas only these two were found.

The second evidence extraordinary was a scar in the thumb of his right hand. On the 25th of April, Asmodeus having produced a compact consisting of a small bit of paper stained with some drops of blood, he declared, after great reluctancy, that the blood which appeared upon the paper, had issued from the thumb of his master's right hand; upon which Laubardemont, accompanied with the physicians, instantly repaired to the prison, where they found a cut upon the defendant,

in the place specified, which the physicians declared to have been given by a knife, or some sharp instrument: to which fact the defendant agreed.

These were the principal evidences in this trial. We may say it was upon the deposition of devils, that the judges passed a sentence of condemnation upon Grandier, on the 18th of August, 1634, in these terms:—

"We have declared, and hereby we do declare, Urban Grandier duly attainted and convicted of the crimes of magic, sorcery, and the possession entailed by his deed upon the persons of several nuns of this city of Loudun; together with other enormities resulting from the same: for which crimes we have condemned, and hereby do condemn him, to make the *amende honourable*, bareheaded, a rope about his neck, and a burning torch in his hand of two pounds weight, before the principal gate of Saint Peter's church, in the Market-place, and before that of Saint Ursula, in the said town, and there, upon his knees, to ask pardon of God, the king, and the justice of the land; and this done, to be led to the public place of Holy Cross, there to be bound to a stake upon a wooden pile, prepared for that effect, and to be burnt alive, with the compacts and magical characters that are in the registry, together with the manuscript he composed against the celibacy of priests; and his ashes to be scattered to the wind. We likewise declare his goods all and every one to be confiscated to the king: after there has been raised, by the sale of them, the sum of an hundred and fifty livres, to be employed in purchasing a copper-plate, wherein shall be engraved a copy of this sentence, to be set up in a conspicuous place of the church of the Ursuline nuns, there to remain to perpetuity. And before the execution of this sentence, we order Grandier to be put to the torture ordinary and extraordinary, to extort a confession of his accomplices."

The same day this judgment was read to Grandier, who was afterwards delivered over into the hands of the executioner.

Laubardemont ordered Fourneau, a surgeon, to be carried by force from his own house to the prison where Grandier was, apprehending he would not go willingly, and there to shave the hair of Grandier's head, his face, and all the parts of his body: which order he was going to execute, when one of the judges told him he must likewise cut off his eyebrows and nails. This piece of inhumanity Grandier shewed a ready disposition to suffer; but Fourneau protested that he would not be compelled, by any authority whatever, to act such cruelty; telling the prisoner, that it was with regret he had laid

a hand upon him, and asked his pardon. "You are the only person," says Grandier, "who has sympathy with me."—"Sir," replied Fourneau, "you see not all the world."

There were only found upon his body two spots, or signatures; the one very flat in the groin; the other a little more raised in the back. The surgeon, without putting him to extreme pain, found, by experiment, that he was sensible enough in both these parts.

When the operation was over, instead of returning him his own cloaths, the executioner gave him others, that were very bad. Though his sentence of condemnation had been given in the convent of the Carmelites, yet he was brought before Laubardemont, into the judgment-hall of Loudun, where several ladies of quality were seated on the judges' benches. It was observed that Laubardemont's lady filled the president's chair, though inferior to many others who were there present; but she assumed that place in right of her husband, who represented a petty sovereign. Laubarmont himself was in the clerk's place, and the clerk to the commission stood before him; the judges were in the low seats. There were guards planted about the court and the passages to it, by Major Mimin's order, who was also a spectator there. Grandier, after having been made to wait a while at the lower end of the hall, near the audience-chamber, was introduced, and having passed Barré, fell upon his knees, without taking off his hat or calot, because his hands were bound. The clerk raising him up to make him come nearer to Laubardemont, he again kneeled down, that officer rudely pulling off his hat, and exempting his calot. Father Lactantius, and another recollect, who accompanied him from prison to the court, were dressed in their canonical robes; and before they entered the audience-chamber, exorcised the air, the earth, and the patient himself, in order to put the demons to flight.

The prisoner being thus upon his knees, the clerk said to him, "Turn thee, wretched man, adore the crucifix upon the judge's chair;" which he did, with profound veneration, and, lifting his eyes to heaven, continued some time in mental prayer; then the clerk read

to him his sentence trembling, while Grandier heard it with all the composure imaginable, never appearing to be once moved. He addressed himself, in a short speech, to Laubardemont and the king's attorney :—

"My lords, I call to witness God the Father, the Son, and the Holy Ghost, that I never was a magician; nor knew any other magic but that of the holy Scriptures, which I always preached, embracing no doctrines nor articles of faith, but those of our holy Catholic church. I renounce the devil, and all his works; I acknowledge Jesus Christ my Saviour, and implore him to apply to me the merits of his blood which he shed upon the cross. My lords," continued he, while the tears gushed from his eyes, "I beseech you to mitigate the severity of my sentence, and give not my soul over to the temptation of despair."

He had scarce finished, when Laubardemont ordered all to withdraw, and had a long conference with Grandier, whispering him in the ear. He would not allow him paper, though he begged it of him; but said to him in a loud tone, and very sternly, that if he expected the judges to mitigate his punishment, he would do well to hide nothing from them in relation to his accomplices. He answered, with firmness, that he was neither guilty himself, nor conscious of the guilt of others. Houmain, the criminal judge of Orleans, and one of those who had made the report, spoke to him also in private with the same view, without any success.

Preparation was made for giving him the torture, both ordinary and extraordinary. At Loudun it is cruel to the last degree. The patient's legs are put between two boards, which are strait bound with ropes; between the boards and the legs, wedges are driven in by a hammer; four of these wedges make the ordinary torture, and eight the extraordinary torture. Laubardemont found fault with the wedges as being too small, and threatened to punish the executioner unless he brought others, so that he was forced to swear he had none larger. Meanwhile the recollects exorcised the boards, the wedges, the hammer, and all the apparatus of the rack. But sure they had more reason to exorcise the devil of false zeal and bigotted cruelty, with which they themselves were possessed, when not thinking the executioner did his duty, they took the hammer to torture Grandier to some purpose. He swooned away several times in their

hands, but they brought him to himself by redoubling his torments. It was thought time to give over driving the eight wedges, when the patient's legs were shattered, and the marrow seen forcing its way through the bones. Grandier underwent this punishment with great fortitude; and rose so far superior to the sharpest bodily pains, as not to suffer one repining word against his enemies to escape him. He was so much master of himself during the torture, as to utter a very fervent prayer to God in proper expressions, which the lieutenant of the provost wrote down; but Laubardemont would not allow it to be published.

Amidst these torments he really appeared more than man, and found springs of invincible constancy within himself. This unbroken fortitude, accompanied with such lively sentiments of religion, spoke him innocent of the crime whereof he was accused, with the most convincing eloquence. He was laid sprawling on the ground. There, in the paroxysms of his agony, when revived, he declared publicly that he was no magician; owned that he had been too much addicted to carnal pleasures, and that he had composed the book against the celibacy of priests, in order to remove the scruples of a young lady whom he had kept seven years. He prayed his judges that they would not oblige him to name the lady, nor to particularize his sins of that kind, whereof he hoped he had obtained forgiveness through prayer and contrition of soul. He protested that he had never had any intimacy with Elizabeth Blanchard; that the first time he saw her was at her being confronted with him. Then he fell into a swoon, out of which having recovered him by putting a little wine into his mouth, they carried him into the council-chamber, and planted him by the fire, upon a couch of straw. He desired for his confessor, first an Augustine monk, then Father Grillau, a cordelier; but both were denied him, after repeated solicitations. This severity, which extends even to the soul of a criminal, by depriving him of the means of his salvation, is a refinement upon the cruelty of the most inhuman tyrants. He was put into the hands of Claudius and Tranquillus, two capuchins, who were appointed him for confessors; but

he chose rather to confess to God only, than to unbosom himself to those fathers whom he reckoned his implacable enemies. A strict charge was given to his keepers to allow him to speak with no person. During the whole three or four hours he remained in the council-chamber, he was seen by none but the clerk, his confessors, and Laubardemont, who was with him for upwards of two hours, in vain soliciting him to sign a certain paper. 'Tis conjectured, not without reason, that that gentleman, foreseeing the public would judge his judgment, endeavoured to extort his apology from the prisoner.

About four or five in the evening the executioner had him carried from the chamber upon a hand-barrow. He declared to the lieutenant-criminal of Orleans, that he had disburdened his conscience, and had nothing more to say. "Do you not desire," said the judge to him, "that I should order prayers to be offered to God for you?"—"Do I desire it!" replied he, with an emphatic tone, "yea, and earnestly beg it too as a singular favour." He bore in his hand a lighted torch, which he kissed as he went out of the court; without suffering his eyes to rove, he cast a modest glance upon those who presented themselves to him. Constancy, accompanied with great self-denial, and a certain unaffected air of piety, which hypocrisy cannot counterfeit, shone in his aspect. When he was without the court, they read over his sentence to him a second time; then he was put into a cart to be carried before the church of St. Peter, where Laubardemont, who went along with him, made him come down to put himself upon his knees; but having entirely lost the use of his legs, he fell with a violent shock to the ground upon his belly, waiting with great calmness till they raised him up, without uttering one word of discontent. Then the sentence was read to him a third time; and he performed the *amende honorable*, entreating the prayers of those who were about him. Upon this Father Grillau, whom he would have had for his confessor, came up to him, and spoke thus: "Remember, dear Sir, that Jesus Christ ascended to heaven, and was made perfect, through sufferings: you have great parts, improve them to the sal-

vation of your soul. Your mother sends you her best blessings. We all implore for you the divine mercy; and are confident, that it will open to you the gates of heaven." At these words Grandier was quite revived, and felt himself a new man. Joy sparkled in his eyes, and he thanked the father with a serene and smiling aspect; conjuring him to supply the place of a son to his mother, to pray to God for him, and recommend him to the prayers of his brethren: he assured him that he had the comfort to die innocent of the crime for which he was condemned; that he had grounds to hope that his death would be received as an atonement for his sins, and usher him into the joys of eternity. This affecting conversation was interrupted by the provost-marshal's guards, who pushed Father Grillau with violence into the church. Grandier was next conducted before the church of holy cross, where he renewed his former penance; and from thence he was led to the market-place, which was appointed for the scene of his execution. Happening by the way to cast his eyes upon le Frene, Moussaut and his wife, who were of the number of his enemies, he told them he died their servant, and prayed them to forgive him. When he was arrived, he turned towards the monks who accompanied him, and prayed them to give him the kiss of peace, which accordingly they did. The minister of justice asked his forgiveness. Upon which Grandier said to him: "Sir, you have given me no offence in discharging the duty of your office." René Bernier, curate of the town of Trois-Moutiers, who was reckoned among his enemies, likewise begged him pardon; and asked him if he did not forgive all who had injured him, even those who had deposed against him, and if he was not desirous that he should pray to God for him, and say a mass for the repose of his soul. Grandier replied, that "He forgave his enemies, as he hoped that God would forgive him; and that he should be obliged to him for offering up prayers and sacrifices to God on his behalf."

The executioner set him upon a hoop of iron, which was fastened to a stake, making him turn his back to the church of holy-cross.

The market-place was so crowded with people, that

those whose business it was to attend the execution, had not room to range themselves, curiosity having drawn persons from all the provinces of the kingdom to this dismal spectacle.

A flying insect, like a wasp, was observed to buzz about Grandier's head; which gave a monk occasion to say it was Beelzebub hovering around him, to carry away his soul to hell; grounding upon what he had heard say, that Beelzebub signified, in Hebrew, the God of flies.

The monks exorcised the air and the wood, and interrogated the patient, if he would not make a full confession? he answered, with the same softness, that he had nothing more to confess, and that he hoped that very day to enjoy his God. Then the clerk read his sentence for the fourth time, and asked him if he persisted in what he had said upon the rack? He answered, he did persist; and that he had delivered all the truth, and nothing but the truth. Upon which one of the monks said to the clerk, he made him speak too much; as if he had been impatient to see the last of his punishment. Grandier depended upon two promises, which the provost-deputy had given him; the first was, that he should be allowed some time to speak to the people; the second, that he should be strangled before the fire was kindled.

The exorcists determined to hinder the effect of these promises. He no sooner offered to speak, than they threw a great quantity of holy water in his face, which stifled his words: when he began to open his mouth a second time, one of them was ready to come up and kiss him, in order to stop his mouth. He saw through the thin artifice, and said to him: "This, Sir, is a Judas-kiss." This comparison kindled the fury of the monks, who thereupon smote him several times with an iron crucifix, under pretence of making him kiss it.

In order to keep him from being strangled before the pile was lighted, they made several knots upon the rope. When the executioner was going to set fire to the pile, Grandier cried out, "Is this the promise that was given me?" With these words, he lifted up the rope himself, and was going to put it about his neck, when Father

Lactantius took a wisp of lighted straw, and held to Grandier's face, saying: "Miscreant, wilt thou not confess, and renounce the devil? it is full time, you have but a moment longer to live."—"I have no communication with the devil," answered Grandier, "I renounce him and all his works, and implore the divine mercy." Whereupon, without waiting the provost-deputy's order, that furious bigot openly performed the office of executioner under the patient's eye, setting fire himself to the pile. Grandier, without being moved with this barbarity, said to him in the calmest manner: "Ah! Father Lactantius, what is charity become? this sure is not the promise I received. But there is a God who will be judge of you and me; I summons you to appear at his tribunal within a month." Then addressing himself to God, he pronounced these words, which were his last: "*Deus meus, ad te vigilo; miserere mei, Deus.*"—To thee, O God, I lift my soul; O God, have mercy upon me. Then the exorcists began again to throw upon his face all the holy-water they had in their pots; while the people called to the executioner to strangle him; but that was not in his power, the rope being full of knots, and the flame soon rising to the head, thus Grandier was burnt quite alive.

As to this unhappy man, it must be owned, that however he was innocent of magic, which seems pretty evident, yet he was guilty of dishonouring the sacredness of his character by flagrant debauchery. The criminal intercourse he kept up for seven years with a young lady, for whose sake he composed the treatise against the celibacy of priests, is a proof of his libertinism. We must not give into the rash judgment of those who, because they are persuaded that a man is innocent of one crime whereof he was unjustly accused, acquit him of others whereof he had been actually guilty.

Nevertheless, the sentence of the judges ceases not to be most iniquitous, because it was not for his libertinism he was impeached. As to his treatise on celibacy, he never owned the use that he had made of it, till he was upon the rack, that is, till he was already condemned. Besides, his single confession was not sufficient to found his condemnation upon; he ought to have been indicted at the instance of the young lady whom he seduced.

With respect to the other charges of this nature, he had been acquitted from them by the presidial of Poictiers, and the Archbishop of Bourdeaux; and, in order to null their sentence, the attorney-general of the commission ought to have appealed from them, which we do not find he did. It is, therefore, still certain, that Grandier was condemned unjustly, and that the judges espoused the quarrel of a cabal madly bent upon his ruin.

Grandier's death did not silence the devils of Loudun the gambols were continued in several scenes exhibited to the public. Father Lactantius died the 18th of September, precisely a month after Grandier's death, as he had foretold. This event was, in the general opinion, deemed a strong confirmation of Grandier's innocence.

WILLIAM PRYNN, ESQ.

IN THE STAR-CHAMBER, FOR WRITING AND PUBLISHING A BOOK ENTITLED, "HISTRIO-MASTIX, OR A SCOURGE FOR STAGE-PLAYERS," &c.; AND ALSO MICHAEL SPARKES, FOR PRINTING, AND WILLIAM BUCKNER, FOR LICENSING THE SAID BOOK: 9 CHARLES I. A. D. 1632-3.

Mr. William Prynn having published his "Histrio-Mastix," or book against stage-plays, licensed by the chaplain of Archbishop Abbot, wherein, with much indecent abuse, he exposed the liberties of the stage, and condemned the very lawfulness of acting. In his way of writing he could not refrain from over-doing any subject. And because the court became now more addicted to these ludicrous entertainments, and the queen herself was so fond of the amusement that she had bore the part of a pastoral in her own royal person; therefore, this treatise against plays was suspected to be levelled against the practice of the court, and the example of the queen: and it was supposed an inuendo, that in the table of

the book this reference was put, "women-actors notorious whores."

The 7th of February, 1632-3, he was brought to the Star-chamber; together with Michael Sparkes, William Buckner, and four other defendants, upon Mr. Attorney Noy's information; which being opened by Mr. Hudson, of Gray's-Inn, did set forth:

"That about 8 Car. Reg. Mr. Prynn compiled and put in print a libellous volume, entitled by the name of "*Histrio-mastix*," against plays, masques, dancings, &c. And although he knew well, that his majesty's royal queen, lords of the counsel, &c. were in their public festivals, and other times, present spectators of some masques and dances, and many recreations that were tolerable, and in themselves sinless, and so published to be, by a book printed in the time of his majesty's royal father; yet Mr. Prynn, in his book, hath railed, not only against stage-plays, comedies, dancings, and all other exercises of the people, and against all such as behold them, but farther and particular against hunting, public festivals, Christmas-keeping, bonfires, and may-poles; nay, against the dressing up of a house with green ivy. And to manifest his evil and mischievous design in publishing of this libel, he hath therein written divers incitements to stir up the people to discontent, as if there were just cause to lay violent hands on their prince; and hath expressed in many speeches against his majesty, and his household, infamous terms, unfit for so sacred a person. He hath cast an aspersion upon her majesty the queen; and railing and uncharitable censures against all christian people. He hath commended all those that are factious persons, that have vented any thing in any book against the state, as the facetious book of Dr. Leighton, Jo. Mariana, a jesuit, to draw the people from his majesty's government, which is of most dangerous consequences to the realm and state. His book is of above 1000 pages: and he dealt with one Michael Sparkes for the publishing, licensing, and printing thereof, who is a person that is a common publisher of unlawful and unlicensed books; and dealt also with Mr. Buckner, another defendant, for the allowing of it for the press: and with the other four defendants to print part of it, and publish the same: and by this means this volume was allowed and published, to the great scandal of the whole realm. And to have this punished according to the demerit of the cause, is the end of Mr. Attorney's information."

Mr. Atkins, of Lincoln's-inn, (afterwards a judge in the court of Common-Pleas) opened Mr. Prynn's answer.

"That he, the said Mr. Prynn, taking into his serious consideration the frequent resort of sundry sorts of people to com-

WILLIAM PRYNNE.

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mon stage-plays about the city of London; and having read divers councils, laws, and statutes, of this and other realms, against the frequenting of common stage-plays; and the judgment and opinion of several divines and other ancient authors, and divers English writers, allowed by public authority, and his own judgment running with those; not intending to reflect, or to have relation to the king, queen, state, or government, or your lordships, did, about seven years ago, compile this book, entitled *Histrio-mastix;* which is no more than a collection of divers arguments and authorities against common stage-plays. That about four years since, he did commit the same to Michael Sparkes, one of the defendants, to be commended to such persons as then had authority to license books for the press. Sparkes did carry it to Mr. King, belonging to the late Archbishop of Canterbury; and before he had perused this book, Mr. Buckner had authority to allow of the books to the press: Sparkes brought this book to Mr. Buckner, who kept it by him three months, in which time he did fully peruse it. In the interim, he gave part of the book to Sparkes to print, and kept the rest till he had perused it, and said, that he should have that also to the press. In October following, he carried this copy with the licence, and caused them to be entered into Stationers-hall, and did compound with those that had authority for the printing of this book. It was printed publicly, and not secretly; and because there was some of the copies close written, he caused these to be brought again to peruse, to the intent that he might not be deceived in them; and as he saw cause, corrected them accordingly. That in Easter-term was twelve-month, the epistle, and the whole first part of the book was printed; and he had time to examine it between Easter-term and Trinity, and then he did make such alterations as he saw cause, viz. in page 711, &c. And afterwards the second part, and two sheets of the index of the book was likewise printed, and these were likewise brought to Mr. Buckner; so that the whole book, with the index, was bound up about Christmas following, which was Christmas was a twelvemonth. Mr. Buckner sent for Mr. Prynn, and the stationer was desirous that the book might be published, and that he might send some volumes to him: but Mr. Buckner said, he could wish the word 'Pity,' in such a page, might be left out; and I wish, with Mr. Buckner, that 'pity' might be added to every page of the book. So when Mr. Prynn saw all this from him, that had licence to allow printed books, he conceived it a sufficient warrant for his proceedings. And for that which is alleged in the information of Mr. Prynn's commending Dr. Leighton, for which the doctor received a censure in this court, in the quotation whereof, viz. his book, and of others, he adhereth to their meaning so far as, and wherein they are agreeable to the law: and this book was printed long before Dr. Leighton was questioned in this court. And as for encouraging of others to be factious or seditious, he saith, upon his oath, that he was so far from disloyalty, schism,

or sedition, or neglect of the king, state, or government, that he hath with much joy, chearfulness, and thankfulness to God, ever acknowledged his, and the rest of the king's subjects' happiness, by the peace we have under his majesty's happy government: and this answer and intention are sincere, though other construction be made thereupon. He saith, he hath taken his oath of supremacy and allegiance in the university and inns of court where he hath taken his degrees. That it never came into his thoughts to approve of schism or sedition: and if any thing in his book, contrary to his meaning, hath a misconstruction towards his majesty's government, state, or your lordships, he doth prostrate himself at his majesty's royal feet, and crave pardon and grace. And he doth appeal to your lordships' interpretations of those parts of his book: and doth withal desire your lordships' favour, and to take it into your consideration, that he hath been a year prisoner in the Tower; and this is the substance of his answer."

Mr. Jenkins, of Grays-inn, opened the answer for four of the defendants.

" First, for the poor widow he saith, for any manner of combination, or knowledge of this book, or of the contents of it, &c. she knoweth nothing. For the rest, they all say, they being illiterate, were not able to judge whether it were fit to pass the press or not; that the book was licensed to be printed, allowed after it was printed, and before it was published, and it was entered in the Stationer's-Hall, and the warden there allowed and subscribed it to be a book passable. The book hath been three years in the press. All this time was spent before it was printed; there were searches made during this time, and they came unto the press. They saw the book there in a public way, and not in corners, or privately printed, as is alleged in the information; and it was printed and published, and some of the books sold by Sparkes; and Sparkes saith, the printing of this book cost him almost 300*l.* and saith upon his oath, he sold not many books. And for the charge upon him, of being a common printer of unlawful books, he saith, he hath prospered in his calling; and some other stationers having an eye upon him for his thrift, have envied him in publishing of books, and leaveth it to my lords the bishops, to know what success he hath had in the high-commission."

Mr. Lightfoot, of Gray's-inn, opened Mr. Buckner's answer. He saith,

" That he was chaplain to the late Archbishop of Canterbury, and doth approve of the church without any scruple, and of all the ceremonies of England. Church-music he doth allow of; bowing at the name of Jesus: plays, music, and dancing, he doth esteem them just and lawful. And for those censures against ecclesiastical persons in this book, he doth, and ever

did abhor and detest them. He confesseth he licensed part of the book, but never gave order to disperse the book; but when he heard it was published, he did endeavour to suppress it: and to the rest of the information pleadeth not guilty."

Then Mr. Noy, attorney-general, spake as follows:

"This volume of Mr. Prynn's is written by himself, without the help of any man. There are passages in it that reflect upon the king, state, and government, &c.; other things reflect upon the church and clergy; but for that there is no charge in the information, which I did conceive fitter to be left out, and withal I received a command for the same: therefore, finding the church so deeply wounded by Mr. Prynn, I do leave her to avenge herself of him, and to inflict such punishment on him as he deserves. I shall be a humble suitor to the court, that they would be pleased to commend the prosecution of those things that concern the church to the high commission. There are divers particulars wherewith he is not charged within the information by way of crime, and so it is not proper now to bring him into question for them. As for mentioning of ceremonies, &c.; of dedicating Paul's to Diana; of the discipline of the church; the complaint of new-erected altars: I wonder what altars he means; I hope the church will examine in due time; as also, whom he means by his 'modern innovators' in the church, and by 'cringing and ducking to altars,' a fit term to bestow upon the church; he learned it of the canters, being used among them. The music in the church, the charitable term he giveth it, is, not to be a noise of men, but rather a 'bleating of brute beasts; choristers bellow the tenor, as it were oxen; bark a counter-point, as a kennel of dogs; roar out a treble, like a sort of bulls; grunt out a bass, as it were a number of hogs:' his complaint for suppressing repetitions by way of conventicles; all his general censure of all the bishops, and of all the clergy; they scorn to feed the poor; the silk and satin divines; very charitable terms upon them of the church! Christmas, as it is kept, is a 'devil's Christmas;' nay, he doth bestow a great number of pages to make men affect the name of puritan, as though Christ was a puritan, and so he saith in his index. Then concerning the images in the church, he speaketh against them, and putteth that now in print, which was contained in an answer in this court. Also for the Sabbath-day, whether to begin on Saturday-night, and end on Sunday at six o'clock. These are things proper to the examination of the church; and whatsoever becometh of the rest of the cause in this court, yet I commend these things to the consideration of the church. I wonder what the man means, to bring these things under the title of stage-plays; pluralities under the title of stage-players. He had an end in it.

"Now, concerning the book itself: this book," said Mr. Noy, "it is the witness, it doth testify what was his intention, and by the book he is to be judged. If it hadbeen found in the street,

and of Mr. Prynn's compiling, and brought to this court, and consideration taken of it, the court would proceed without a party against Mr. Prynn. And here Mr. Attorney recited a precedent of one that wrote a book, and it was brought to the council. It was demanded, who was the accuser? answer was made, the book was the accuser: shall the heretic go unpunished? This book is Mr. Prynn's doing, he doth put his name to it, he swears that he did write it all.

"Then for the time of compiling it; seven or eight years ago it was compiled, and it is grown seven times bigger than at the first. Mr. Prynn, about eight years since, shewed it to Dr. Goade, who told him such good causes of dislike, as would have made any reasonable man give it over. About seven years ago he came to Dr. Harris, to desire his opinion of the book; and he told him it was unfit and unworthy to come to the press. In the parliament-time, before the year 1630, he gave some part of it to be printed; but it came not to Mr. Buckner till long after. Sparkes said, he would print any thing in parliament-time.

"Now we are to consider two things, from the first compiling and printing of this book, to the last: first, how it grew in volume; for, after it was delivered to the press, it hath grown up with divers things, which then were impossible to be known at that time, when it was delivered to the press; which appeareth by this. In 1628 was the parliament, and in 1631 St. George began to look abroad into the world. This man bestows eight whole pages upon St. George, for being so bold to look out. He saith, that St. George the Arian was a Cappadocian, though born in Cilicia, a part or province of Cappadocia, &c. and that St. George's advocate was an Englishman, born in Gloucester; and that St. Basil the Great was bishop of Cæsarea in Cappadocia; the native country of St. George the Arian. Certainly, he could not tell that St. George would then remove himself abroad, or in the country of Gloucester, &c. at that time: but this man did go on according to the occasion in 1628. A woman, in 1628, acted a part of a stage-play at Blackfriars; he spends many pages about this.

"We all know what time the dearth was, three years ago: he taketh occasion not to pass it over. He maketh a long discourse of plays, masques, &c. in the late penurious times, how they were as expensive as the wars were. This is toshew how by pieces it did grow bigger from time to time.

"All stage-players he terms them rogues: In this he doth falsify the very act of parliament, for, unless they go abroad, they are not rogues. The same term he giveth unto scholars acting. Mr. Prynn had a purpose, not only in this to fall upon stage-plays, but upon the body of the commonwealth; and to infuse it into men's minds, that we are now running into paganism and gentilism. He falleth upon those things that have not relation to stage-plays, music, music in the church, dancing, new-year's gifts, whether witchery, or not. Witchery, church ceremonies, &c. indistinctly he falleth upon them; then upon

altars, images, hair of men and women, bishops and bonfires; cards and tables do offend him, and perukes do fall within the compass of his theme. St. George never offended him; but all this is to the end to bring a belief among the people, that we are returning back again to paganism. His end is therefore to persuade men to go and serve God in another country, as many are gone already, and set up new laws and fancies among themselves. Consider what may come of it.

"It may be fit enough, and lawful, to write against plays, by men that have a mission; and they must do their errand in mannerly terms, and in the same terms as other men expect to bear with them. Mr. Prynn had no mission to meddle with these things, to see whether men should not return to gentilism; the terms which he useth are such as he finds among the oyster-women at Billingsgate, or at the common conduit. He hath raked up all the vile terms that could be found.

"Now to prove that this is Mr. Prynn's book, read Mr. Prynn's examination, Inter. 5th. (which, being read, was to this effect,) that Mr. Prynn, without the help of any other, did write, pen, and compile the whole book, called Histrio-mastix, and the epistle before the book, and the index and table following.

"Now, for the publishing of this book, it doth appear, by the deposition of Dr. Goade, that about eight years since, Mr. Prynn did bring a book to him in writing, of about a quire of paper, concerning stage-plays, to have the same licensed, but he held it unfit to be allowed; and doth well remember, that as to his argument of the unlawfulness for a man to put on woman's apparel, he put Mr. Prynn this question; suppose, Mr. Prynn, yourself, as a christian, were persecuted by pagans, think you not, if you did disguise yourself in your maid's apparel, you did well? who answered, that he thought himself rather bound to yield to death than to do so.

"Dr. Harris also deposed, that about seven years ago, Mr. Prynn came to him to license a treatise concerning stage-plays, but he would not allow of the same. So this man did deliver this book when it was young and tender, and would have had it then printed; but it is since grown seven times bigger, and seven times worse."

Noy.—"We shall now prove when it went to the press. Read Austin the stationer to interrogatory the 28th, which being read, was to this effect; that the said book called Histrio-mastix was given to this deponent in or about the last parliament, at which time seven sheets thereof were printed at this deponent's house; which this deponent so printed, at the request of Mr. Prynn and Mr. Sparkes, upon Mr. Prynn's information that it was licensed, and that he would bring the hand of the licenser unto it. But this deponent did refuse to print any more of the same.

"Read Joseph H. to prove, that Sparkes would set upon it unlicensed in parliament-time, to inter. 26, who saith, that the defendant Sparkes did, in the time of the last parliament, print, or cause to be printed, divers books without licence; whereof

some were Mr. Prynn's, some were Mr. Burton's works; and this deponent hath heard Sparkes say, he durst print any thing in parliament-time.

"Another part of the charge was managed by Mr. Mason of Lincoln's-Inn, reckoning up the number of epithets wherewith Mr. Prynn had aspersed all sorts of people: and he said, that it was a libel, not only against the state, but against every particular person; and proved the charge by divers passages contained in the book, fol. 201, &c."

Afterwards Mr. Noy proceeded in the farther substantiation of his charge against Mr. Prynn.

"May it please your lordships, as he hath fallen foul upon all things, all persons, all sexes; upon the magistrates, upon the household of the king; so he hath not spared the king himself. I am sorry I shall have occasion to speak any thing of it; but there is a great deal too much in his book. My lords, after he hath made all these complaints as intolerable, he falleth upon all indistinctly, and never taketh upon him to discern, to make a distinction, that there may be a toleration; but falleth foul upon every thing, that we are falling into paganism; men and women are naught: he spareth not the king himself, but takes upon him to teach a remedy; the remedy is worse than the disease. What hateful comparisons he bringeth with other princes? as Nero: and speaketh of the consuming of the treasure of the realm with masques, and of the late penurious times; a base word! A declaration of infamy upon princes, with such-like conclusions as these are. When all this is done, he teacheth the remedy not by way of precept, but by way of example; invites men to read John Mariana, and two grave authors more, he saith, men not censured. I am very sorry I am to speak any thing wherein the king should be named, but he would not forbear it when the pen was in his hand; some of the words are so nasty that I will not speak them."

After Mr. Attorney-General had spoken, he called for these passages, amongst others, in Histrio-mastix, to be read, viz.

To his much-honoured friends, the right worshipful masters of the bench of the honourable flourishing law-society of Lincoln's-Inn.

"Having, upon my first arrival here in London, heard and seen in four several plays (to which the pressing importunity of some ill acquaintance drew me, while I was yet a novice) such wickedness, such lewdness as then made my penitent heart to loath, my conscience to abhor all stage-players ever since; and having then likewise observed some woeful experiments of the lewd, mischievous fruits of plays, of play-houses, in some young gentlemen of my acquaintance, who though civil and chaste at first, became so vicious, prodigal, incontinent, debauched, yea

so far past all hopes of amendment, in half-a-year's space or less, by their resort to plays, where whores and lewd companions had inveigled them; that, after many essays of their much-desired reformation, two of them were cast off and utterly disinherited by their loving parents; whom I heard oft complaining, even with tears, that plays and play-houses had undone their children, to their no small vexation, (a good caveat for all young students to keep themselves from play-houses, by these two youngsters' harms:) hereupon I resolved, out of a desire of the public good, to oppugn these common vice-fomenting evils; for which purpose, about seven years since, recollecting those play-condemning passages which I had met with in the Fathers and other authors, I digested them into one entire written discourse; which having since that time enlarged beyond its intended bulk, because I saw the number of players, play-books, play-haunters, and play-houses still increasing; there being above 40,000 play-books printed within these two years (as stationers inform me) they being now more vendible than the choicest sermons; two old play-houses being also lately re-edified, enlarged, and one new theatre erected: the multitude of our London play-haunters being so augmented now, that all the ancient devil's chapels (for so the Fathers style all play-houses) being five in number, are not sufficient to contain their troops; whence we see a sixth now added to them: whereas, even in vicious Nero's reign, there were but three standing theatres in pagan Rome, though far more spacious than our christian London, and those three too many. Hereupon, I first commended it, being thus augmented, to the licenser, and from him unto the press, where it hath lingered longer than I did expect; which being now at last brought forth into the world, in such a play-adoring age, that it is like to bid defiance to it; I here bequeath it to your worthy patronage, to whom it was first devoted, not caring how it fares abroad, so it may do good and please at home."

In the next place, Mr. Attorney Noy caused to be read, out of the book of Histrio-mastix, such passages as were scandalous to the king and government, as fol. 312. &c.

Mr. Atkins, in defence of Mr. Prynn, said—

"That the eloquence of those gentlemen who argued against Mr. Prynn, made an exposition which was no part of his intention, in which point he would endeavour to clear him; and the way was by letting their lordships know, that many passages in that book are only relatively spoken, and not positive, and most of them are but the affirmations of other authors of several kinds and professions; as where it is said, that 'such incarnate devils as frequent plays,' &c. he speaketh by the way of common frequenting of plays, lest they prove incarnate devils; and so of ladies that cast off their nature and modesty, that is relatively spoken by frequenting plays, lascivious dancing, &c. and when

he speaketh of those in a continual proposition, his argument is thus:

"'That which doth ordinarily (if not always) defile the eyes, the ears, and souls both of the actors and spectators by ingendering, by exciting meretricious, lustful, lewd, adulterous desires and affections in their hearts; or by instigating, by preparing, by inducing them to actual uncleanness, must needs be abominable and unlawful unto Christians; and these stage-plays, &c. therefore, must needs be abominable.' And there are none but whores, panders, or foul incarnate devils, who dare controul that minor truth.

"My lords: he doth not condemn new-years' gifts, but acknowledges them to be as tokens and testimonies of favour and respect from superiors to their inferiors; and for dancing (under favour) he doth not condemn it at all; he hath commended the same as single, and dancing the measures. And for dancing in great men and princes, he doth protest it was far from his thought to compare these times to Nero's, under so pious and religious a prince as we have, and by whom we receive so much happiness. That had been so impious and unworthy, that he could by no means make any apology; but as well his person as his pen should have been detestable, if he had made any such comparison.

"And where he doth speak, that dancing and masquing have been nearly as expenceful as the wars, in that he means in Henry VIII.'s time, and not in these days: as I take it, he speaks there of a history that doth express the great charge in that time.

"I shall desire, as I did begin in the opening of his answer, that he may lay fast hold upon the rock of the king's favour and mercy, and compassion of this court; and what his intentions are, they are best known to his own heart, his expressions known to your lordships. I cannot condemn his heart, I will not excuse his pen.

"This, if your lordships will give me leave, I shall say; I have long known him in a society of Inns of Court, where he has lived: and for his ordinary discourses (except the matters in this book) they have not been factious or seditious. But now he is before your lordships, truly, for my part, I compare him to the condition of an astronomer, who fixed his eyes so much upon the stars, that he did not look to his feet, and so fell into a ditch: for his eyes were so fixed upon this subject, upon the common resort to stage-plays, and the great abuse that comes by them, that he forgot to look down to his hand that guided his pen, which now bringeth him under your lordships' censure. That I may not offend the patience of this court, (the court is full and the expectation is great,) I will conclude with all humility, and wish and crave, that He who is the Supreme Judge may be with your lordships in this matter, and may be over all your good thoughts, judgments, and sentences this day, in the cause of this poor gentleman. And this is all I humbly offer in defence."

The next day of hearing.

Mr. Holbourn, of counsel for Mr. Prynn, spake thus:

" My lords; I am assigned counsellor with Mr. Prynn. The information is for publishing in print a libel or volume of libels against king, queen, state, &c. My lords, for Mr. Prynn, he doth humbly cast himself at your lordships' feet. For the book, I must say, he doth humbly submit himself to your lordships; yet, my lords, his heart will not give him leave to say, that he is guilty of those gross offences that are laid to his charge. He confesseth himself to be justly brought before your lordships for his ill expressions, which may prove an occasion of scandal by misconstruction, and so some dangerous principle may be infused into the subjects: and he beggeth your lordships to consider of them, according to the intentions of his heart, which were fair and honest, though harsh in expression, that he may receive a favourable construction, for that he citeth his authors, and their words, and not his own. And for that he meddleth with matters not proper to stage-plays, as in mentioning the Sabbath, his meaning was, stage-plays upon the Sabbath-day: his mentioning habits and recreations, was in relation to men putting on women's habits, and unlawful recreation at plays, and so he conceives them not altogether impertinent.

" For the manner of his writing, he is heartily sorry that his style is so bitter, and his imputations so unlimited and general; yet, in this he was led thereunto by authors in the like case, which he offers for his excuse: he hopes his passion against these abuses by plays may a little plead his excuse.

" Now, for the manner and matter alledged against him out of his own book, in that he hopes your lordships' favour: he saith, that those that are judges of the books for licensing, they are guilty of the matter, and he hopeth that this book doth differ from all the books brought into this court; for here are none brought but such as are unlicensed, and this is licensed: and he submitteth thus to that point.

" My lords, as to the general end and intention of his book, he sweareth, that the general resort unto plays was the first occasion; and his end was for the reformation of the abuse of it, and not otherwise; and then, my lords, he hopeth he shall not incur your lordships' severe censure. He did not send the book beyond the seas to be printed, but printed it here; and it was three years in the press, and licensed and published.

" And, my lords, the declaration to the information of this court, speaketh something to his intentions, viz. to whom he dedicated this book, and he dispersed it himself to men of known integrity; and certainly, if his heart had been guilty of those foul crimes, he would not have presented one of these books to Mr. Attorney Noy himself. He did not absent himself, as one guilty of such offences would have done; he was so far from having disloyalty, that he doth commend the king and state, and that

could not be with an intention against king and state. And all the charges that lie upon him for his foul intentions are but inferences upon his book, and consequences, and such of them only that be strained, and not of necessity.

" The next thing charged upon him is perjury, for that he said, he shewed no part of this book to any before it was shewn to Sparkes; yet it was proved, by Dr. Harris and Dr. Goade, that they saw it many years ago. As to this he saith, they speak only of his book, concerning plays, containing a quire of paper: and that it is true, he did shew them such a book; but that book was not this book; though they be of one subject and matter, yet they differ much in form and frame."

Then Mr. Hern spake on his behalf, as follows:

" My lords; we that are assigned counsel for Mr. Prynn, do come with great disadvantage, both in number and judgments, considering the great ability of the King's counsel, who have spoken against us. If the construction they have made be theirs, then clearly we are (as they would have us) to fall deep by your lordships' sentence.

" The weight of this cause, and the aggravations upon it by the King's counsel, made me the last day (without desire of my client) to crave farther time, for we durst not then give any answer. All that I can now say, is, that your lordships would look upon the intentions of his heart, in that he hath explained himself as fair as any man can do by his oath: how is it possible to make other proof of the clear intentions of his heart, than by his oath? his oath is admitted as proof against him, in the acknowledgment of his book; and shall it not be admitted to him, to clear the integrity of his heart? We beseech your lordships to look upon him, as not writing these things out of perverseness of spirit, but out of the abundance of his heart, transported with zeal against the growing evils which have befallen many of this nation, and some of his own acquaintance, by their frequenting of stage-plays. We that know him must say, as far as our knowledge will give us leave, that in all passages that have fallen from him to us, he hath expressed himself full of devotion and duty to his majesty and the queen; and shall humbly take leave to offer some passages out of his book, which do bear evidence, that he doth speak well of both their majesties, and of the state; and that by inferences and distinctions there made; and what is it but inferences made out of other passages of his book, which doth reflect upon him?—Which passages were opened by the counsel, but not read.

The Sentence.

Three Star-Chamber days having been spent in the hearing of this Cause, the lords sat the fourth day to proceed to sentence, which held till four o'clock in the afternoon; and they passed such sentence, on Mr.

Prynn, as is expressed in the ensuing speeches, which in effect comprehend all that was said by others.

The first was of Francis Lord Cottington, chancellor of the exchequer, whose turn was to begin first to speak, as being in the lowest degree of quality by his place. And commonly he that begins, as he opens the matter at large, so he thereby inclines many lords to forbear making of speeches, and only to declare themselves to concur in sentence with him that began first, or with some other lord that spake before, as their judgments lead them.

" My lords (said my lord Cottington,) his majesty's attorney-general hath brought Mr. Prynn before your lordships, with other defendants, Thomas Buckner, Michael Sparkes, &c. It is for publishing a libellous book, or volume of libels, to the scandal of his majesty and the state. To my understanding it may be more properly said, the great and high malice of Mr. Prynn, published and declared in that libellous book: a malice expressed in a manner against all mankind, and the best sort of mankind, against King, prince, peers, prelates, magistrates and governors, and truly in a manner against all things. But that which hath been more remarkable, is, his spleen against the church and government of it; therefore for that I will not sentence him, (because Mr. Attorney doth forbear to prosecute against him, for that which belongeth to the church) yet it is an argument of his great and high malice: and when I consider of that, which hath been so often repeated, that he writ this book alone, surely he was assisted immediately by the devil himself, or rather he hath assisted the devil. He hath written a book against the due reverence and honour, which all christians owe to our Saviour Jesus, this doth convince my judgment against him; but the book (as Mr. Attorney saith) declares the man, it is the witness: and if your lordships observe the particulars and style of it, you will say it is a strange thing; the very style doth declare the intent of the man, and that is (as Mr. Attorney said) to work a discontent and dislike in the King's people against the church and government, and disobedience to our gracious sovereign the King. If Mr. Prynn should be demanded what he would have, he liketh nothing, no state or sex; music, dancing, &c. unlawful even in kings; no kind of recreation, no kind of entertainment, no, not so much as hawking, all are damned. In very truth, Mr. Prynn would have a new government, he would have a new church, he would have new laws, new entertainment, God knows what he would have; a new king he would have, and have all the people of his mind, to be discontented with their King and government.

" Mr. Prynn confesseth he did write the book, and it is true he did endeavour the printing of it, and the publishing of it; this is proved very well; yea, but Mr. Prynn had no other intention

but a tenderness of conscience; he meant no hurt to the King, or state, (as his counsel said); but Mr. Attorney answered them, that he is not the declarer of his intentions, he must be judged by the book, by his words, more certainly by the effect; for all good men do receive scandal by this book, and all of Mr. Prynn's humour were glad of this book. When I consider what kind of libel it is, it is not like other libels: other libels have been by persons discontented, some poor rogues scattered up and down; but here is a libel in folio, and in print, and justifieth itself by authors with an high hand, 'That is there,' and 'that is there.' And (my lord) when I consider those high passages in his book, I protest unto you, they are things to be abhorred; they are not spoken relatively (as his counsel would have it) but positively, 'That our English ladies, shorn and frizzled madams, have lost their modesty; that the devil is only honoured in dancing; that plays are the chief delight of the devil; that they that frequent plays are damned; and so are all that do not concur with him in his opinion, whores, panders, foul incarnate devils, Judases to their lord and master, &c. princes dancing in their own persons;' his censure of them is infamous, &c. But the foulest of all is, 'that this was the cause of untimely ends in princes.'

My lords, shall not all that hear these things think, that it is the mercy of the King that Mr. Prynn is not destroyed? Have we not seen men lately condemned to be hanged and quartered for far less matters? One Peacham, I was myself employed with others in the examining of him; he confessed, that the writing for which he was questioned, was a sermon that he did intend to preach: the words were against the person of the king, yet he never preached it; yet, because he had written it with an intention to preach it, he was brought up on this point and condemned to die. But this book is in print; it is against all magistrates, and particularly against the King our sovereign, and his blessed consort. And yet, my lords, it pleaseth his majesty to let Mr. Prynn have his trial here. I will not trouble your lordships with any more parts of the book: Mr. Attorney noted unto your lordships, that you should see how necessary it was, that Mr. Prynn should be clean cut off, as one that hath a long time endeavoured to move the people to disobedience against the King, &c. So I say with Mr. Attorney, it is high time that Mr. Prynn may be cut off, so far as may go with the censure of this court. My lords, Mr. Prynn is better dealt withal, than he would have princes dealt with; he hath had very fair trials.

For his defence, I took notice of it likewise; I do remember that all those gentlemen, that were employed and assigned as counsel for his defence, every one of them began to crave mercy of the court; yet they came with a defence and justification, so far as their cause would bear. Mr. Holbourn said, that for 'players, they were rogues by the statute:' Yet Mr. Attorney said, 'They are not rogues by the statute, unless they wander, &c.' My lords, he said, his intention was against public and common plays; yet seek all his book through, and you shall find it is against plays in princes' palaces. His intention now must be understood by his

book, and by his words; and that which he doth apply of any author is his own. And I think his defence did aggravate his offence. As to his defence against the ladies, he saith, he speaketh it relatively and not positively; yet he saith, 'Our English ladies are so and so whorish, &c.' And for that part of his book, wherein he condemns murder, Mr. Prynn will have murder unlawful; but execution of princes is not murder, and therefore that is a lawful act. Mr. Attorney said well, the end of this man and John Marianna, (a Jesuit) &c. they are all one, they all cry malice against princes.

"I shall humbly crave pardon, and discharge my conscience, and shall let your lordships see, how I understand the sense, and that so I am to judge; and I conceive it to be as your lordships see, that the malice of this book is against King and state: and, my lords, with this I sentence Mr. Prynn.

"I do in the first place begin censure with his book; I condemn it to be burnt, in the most public manner that can be. The manner in other countries is, (where such books are) to be burnt by the hangman, though not used in England (yet I wish it may, in respect of the strangeness and heinousness of the matter contained in it) to have a strange manner of burning; therefore I shall desire it may be so burnt by the hand of the hangman. If it may agree with the court, I do adjudge Mr. Prynn to be put from the bar, and to be for ever incapable of his profession. I do adjudge him, my lords, that the society of Lincoln's-inn do put him out of the society; and because he had his offspring from Oxford ('now,' with a low voice, said the bishop of Canterbury, 'I am sorry that ever Oxford bred such an evil member') there to be degraded. And I do condemn Mr. Prynn to stand in the pillory in two places, in Westminster and Cheapside; and that he shall lose both his ears, one in each place; and with a paper on his head, declaring how foul an offence it is, viz. 'That it is for an infamous libel against both their majesties, state, and government.' And lastly, (nay, not lastly) I do condemn him in 5,000*l.* fine to the King. And, lastly, perpetual imprisonment.

"There are other defendants, Thomas Buckner, whom I conceive to be the chaplain charged with the licensing of the book. I observe, that Mr. Attorney hath little or nothing prosecuted against him. It is said, he did combine with the writer and stationer for this infamous libel. It doth appear that he did license it, or at least sixty-four pages thereof; I think it be also true, that Mr. Buckner did see the book after it was printed. It is said, for his excuse, that Mr. Buckner was cozened and surprized by Mr. Prynn and Sparkes; but it is plain he licensed it, or at least sixty-four pages; therefore, I shall judge according to the proof, as it is the usual custom of this court. I must judge Mr. Buckner to be worthy of a very sharp sentence, for certainly there is a very great inconvenience fallen upon the state, for want of due examination: to what purpose is there an examination of books, if there shall be a connivance and winking at the party that doth it? I shall think Mr. Buckner not only worthy of a severe reprehension, but I shall

censure him first to have imprisonment according to the course of the court, and 50*l.* fine to the king.

Now, my lords, the next is Michael Sparkes, and he is the third, and he is the printer of the book; and binder, and publisher thereof. In his defence he hath shewed your lordships a piece of the book licensed by Mr. Buckner, and saith, it was all licensed, but that he proves not; but that it was entered in the Stationers-Hall, that he proves. But I do find, that he persuaded men to buy this book after it was prohibited: and before it was prohibited he persuaded men to buy it, saying, 'It was an excellent book, and it would be called in,' and then sell well. I do fine Sparkes 500*l.* to the King, and to stand in the pillory, without touching of his ears, with a paper on his head to declare his offence, and it is most necessary in these times; and for the pillory to be in Paul's Church-yard. ('It is a consecrated place,' saith the archbishop of Canterbury.) I cry your grace's mercy (said my lord Cottington) then let it be in Cheapside. For the other three, I find that Mr. Attorney doth not prosecute them; therefore, my lords, I do not censure them."

The next in course that spoke after the lord Cottington, was the L. C. J. Richardson.

"My lords; since I have had the honour to attend this court, writing and printing of books have been exceedingly found fault withal, and have received a sharp censure, and it doth grow every day worse and worse; every man taketh upon him to understand what he conceiveth, and thinks he is nobody except he be in print. We are troubled here with a book, a monster, 'Monstrum horrendum, informe, ingens!' It hath been a question who is the author of this book? Surely, I am satisfied in my conscience he is the author of it: but truly give me leave, I do not think Mr. Prynn is the only actor in this book, but that there were many heads and hands therein besides himself. I would to God in heaven, the devil and all else that had their heads and hands therein besides Mr. Prynn, were, &c. for I think they are all ill willers to the state, and deserve severe punishment as well as Mr. Prynn doth. This book is the subject of this day's work, and it is annexed, by Mr. Attorney, to the very information itself.

For the book, I do hold it a most scandalous, infamous libel on the King's majesty, a most pious and religious King; on the Queen's majesty, a most excellent and gracious Queen: such a one as this kingdom never enjoyed before, and I think the earth never had a better. It is scandalous to all the honourable lords, and the kingdom itself, and to all sorts of people. I say, eye never saw, nor ear ever heard of such a scandalous and seditious thing as this mis-shapen monster is. How scandalous a thing it is, hath appeared already to your lordships, by the King and Queen's counsel against Mr. Prynn; I will not for my part repeat.

"Yet give me leave to read a word or two, where he cometh to tell your lordships of the reasons why he writ this book: because he saw the number of the plays, play-books, play-haunters, and

play-houses so exceedingly increased, there being above 40,000 play-books, being now more vendible than the choicest sermons. What saith he in the epistle dedicatory, speaking of play-books? 'They are so big a price, and are printed on far better paper than most octavo and quarto bibles, which hardly find so good vent as they; and then come in such abundance, as they exceed all number, and it is a year's time to peruse them over, they are so multiplied:' and then he putteth in the margin, 'Ben Johnson, &c. printed on better paper than most bibles. Now, if this be not a tax upon the kingdom, to print these books on better paper than the Bible itself, for my part I leave it to your lordships." This monster, this huge, misshapen monster, I say, it is nothing but lies, and venom against all sorts of people. It is a strange thing what this man taketh upon him; he is not like those powder-traitors, they would have blown up all at once; this throweth all down at once to hell together, and delivereth them over to Satan. I beseech your lordships to give me leave: 'Stage-plays,' &c. saith he, 'none are gainers and honoured by them but the devil and hell; and when they have taken their wills in lust here, their souls go to eternal torment hereafter.' And this must be the end of this monster's horrible sentence. He saith, 'So many as are in play-houses, are so many unclean spirits;' and that 'play-haunters are little better than incarnate devils.' He doth not only condemn all play writers, but all protectors of them, and all beholding of them; and dancing at plays, and singing at plays, they are all damned, and that no less than to hell. I beseech your lordships to give me leave but in a word to read unto you what he writes of dancing, &c. 'It is the devil's profession; and he that entereth into a dance, entereth into a devilish profession; and so many paces in a dance, so many paces to hell.' This is that which he conceiveth of dancing. 'The woman that singeth in the dance, is the prioress of the devil, and those that answer are clerks, and the beholders are the parishioners, and the music are bells, and the fiddlers are the minstrels of the devil.' I said it was a seditious libel; this point of sedition is the only thing that troubles me, and it is that which I shall offer to your lordships: for I do know it, the good opinion, heart, will, and affections of the King's people and subjects are the King's greatest treasure. Now, if this be so, then for any man cunningly to undermine these things, to take away the hearts of the subjects from the King, and to bring the King into an ill opinion among his people, this is a most damned offence; and if I were in my proper place, and Mr. Prynn brought before me, I should go another way to work. I protest unto your lordships, it maketh my heart to swell, and my blood in my veins to boil, so cold as I am, to see this or any thing attempted which may endanger my gracious sovereign; it is to me the greatest comfort in this world to behold his prosperity.

"Good Mr. Prynn, you are a lawyer. Intention! I know where the word standeth equal, as that you may take the intention this way, or that way, with the right-hand or left-hand, there in that case you may speak the intention; but where the words are plain

and positive, as in your books, here is no help of intention in the world. Your words are plain and clear, therefore you can never make any defence at all out of that. Not to hold your lordships any longer, my lords, it is a most wicked, infamous, scandalous, and seditious libel. Mr. Prynn, I must now come to my sentence, though I am very sorry, for I have known you long, yet now I must utterly forsake you; for I find that you have forsaken God, and his religion, and your allegiance, obedience, and honour, which you owe to both their excellent majesties, the rule of charity to all noble ladies, and persons in the kingdom, and forsaken all goodness. Therefore, Mr. Prynn, I shall proceed to my censure, wherein I agree with my lord Cottington, as he began very well. First, for the burning of the book in as disgraceful a manner as may be, whether in Cheapside or Paul's Church-yard; for though Paul's Church-yard be a consecrated place, yet heretical books have been burnt in that place. And because Mr. Prynn is of Lincoln's-Inn, and that his profession may not sustain disgrace by his punishment, I do think it fit, with my lord Cottington, that he be put from the bar, and degraded in the University; and I leave to my lords, the lord bishops, to see that done; and for the pillory, I hold it just and equal, though there were no statute for it. In the case of a high crime it may be done by the discretion of the court, so I do agree to that too. I fine him 5,000*l.* and I know he is as well able to pay 5,000*l.* as one half of 1,000*l.* and perpetual imprisonment I do think fit for him, and to be restrained from writing, neither to have pen, ink, nor paper; yet let him have some pretty prayer-book, to pray to God to forgive him his sins; but to write, in good faith I would never have him: for, Mr. Prynn, I do judge you by your book to be an insolent spirit, and one that did think by this book to have got the name of a reformer, to set up the Puritan or Separatist faction. I would not have Mr. Prynn go without a recognition of his offence to the King and Queen's majesty. I agree to the sentence on Buckner and Sparkes."

Afterwards the Earl of Dorset spake to this effect:

"Such swarms of murmurers as this day disclose themselves, are they not fearful symptoms of this sick and diseased time? Ought we not rather with more justice and fear apprehend those heavy judgments which this minor prophet Prynn hath denounced against this land, for tolerating indifferent things, to fall upon us for suffering them, like those mutineers against Moses and Aaron, as not fit to breathe? My lords, it is high time to make a lustration to purge the air. And when will justice ever bring a more fit oblation than this Achan? Adam, in the beginning, put names on creatures correspondent to their natures; the title he hath given this book is Histrio-mastix, or rather, as Mr. Secretary Cook observed, Anthropo-mastix; but that comes not home; it deserves a far higher title—damnation, in plain English, of prince, prelacy, peers, and people. Never did Pope in Cathedra, assisted with the spirit of infallibility, more positively and more peremptorily condemn hereticks and heresy, than this doth mankind. Lest

any partial auditor may think me transported with passion, to judge of the base liveries he bestoweth upon court and courtiers, I shall do that which a judge ought to do, viz. assist the prisoner at the bar. Give me leave to remember what Mr. Attorney let fall the other day. I will take hold of it for the gentleman's advantage. That this gentleman had no mission; if he had had a mission, it would have qualified the offence. Our blessed Saviour, when he conversed in this world, chose apostles, whom he sent after into the world, 'Ite, prædicate,' &c. to shew the way of salvation to mankind. Faith, hope, and charity, were the steps of this Jacob's ladder to ascend heaven by. The devil, who hates every man upon earth, played the divine, cited books, wrought miracles; and he will have his disciples too, as he had his confessors and martyrs. My lords, this contempt, disloyalty, and despair, are the ropes which this emissary lets down to his great master's kingdom for a general service. My lords, as the tenor of their commission was different, so are the ways: these holy men advanced their cause in former times by meekness, humility, patience to bear with the weakness and infirmities of their brethren; they taught obedience to magistracy, even for conscience-sake; they divided not their estates into factions; they detracted from none, they sought the salvation of men's souls, and guided their bodies and affections answerably; they gave to Cæsar the things that were Cæsar's; if princes were bad, they prayed for them; if good, they praised God for them; however, they bore with them. This was the doctrine of the primitive church, and this they did. I appeal to my lords that have read this book, if Mr. Prynn has not, with breach of faith, discharged his great master's end. My lords, when God had made all his works, he looked upon them and saw that they were good. This gentleman, the devil having put spectacles on his nose, says that all is bad: no recreation, vocation, no condition good; neither sex, magistrate, ordinance, custom, divine and human, things animate, inanimate, all, my lords, wrapt up in massa damnata, all in the ditch of destruction. Here, my lords, we may observe the great prudence of this prince of darkness, a soul so fraught of malice, so void of humanity, that it gorgeth out all the filth, impiety, and iniquity that the discontent of this age doth contract against the church and state. But it may be some follower of his will say, it was the pride and wickedness of the times that prompted him to this work, and set his zeal, through tenderness of conscience, to write this book. My lords, you may know an unclean bird by his feathers; let him be unplumed, unmasked, pull off the deceitful vizard, and see how he appeareth: this brittle conscience, brother, that perhaps starts at the sight of the corner-cap, sweats at the surplice, swoons at the sign of the cross, and will rather die than put on woman's apparel to save his life; yet, he is so zealous for the advancement of his babel, that he invents legions, coins new statutes, corrupts, misapplies texts with false interpretations, dishonours all men, defames all women, equivocates, lies; and yet this man is a holy man, a pillar of the church. Do you, Mr. Prynn, find fault with the 'court and courtiers habit,' 'silk and sattin

divines?' I may say of you, you are all purple within, all pride, malice, and all disloyalty? you are like a tumbler, who is commonly squint-eyed; you look one way, and run another way: though you seemed by the title of your book to scourge stage-plays, yet it was to make people believe, that there was an apostacy in the magistrates. But, my lords, admit all this to be venial and pardonable, this pigmy groweth a giant, and invades the Gods themselves; where we enjoy this felicity under a gracious prince, with so much advantage as to have the light of the gospel, whilst others are kept in darkness, the happiness of the recreations to the health of the body, the blessed government we now have. When did ever church so flourish, and state better prosper? And since the plagues happened, none have been sent among us such as this caterpillar is. What vein hath opened his anger? Or, who hath let out his fury? When did ever man see such a quietus as in these days? Yet in this golden age is there not a Shimei amongst us, that curseth the anointed of the Lord? So puffed with pride, nor can the beams of the sun thaw his frozen heart, and this man appeareth yet. And now, my lords, pardon me, as he hath wounded his majesty in his head, power, and government, and her majesty, his majesty's dear consort, our royal queen, and my gracious mistress; I can spare him no longer, I am at his heart. *Oh! quantum!* &c. If any cast infamous aspersions and censures on our queen and her innocency, silence would prove impiety rather than ingratitude in me, that do daily contemplate her virtues; I will praise her for that which is her own; she drinks at the spring-head, whilst others take up at the stream. I shall not alter the great truth that hath been said, with a heart as full of devotion, as a tongue of eloquence, the other day, as it came to his part, (meaning Sir John Finch.) My lords, her own example to all virtues, the candour of her life, is a more powerful motive than all precepts, than the severest of laws: no hand of fortune nor of power can hurt her; her heart is full of honour, her soul of chastity; majesty, mildness, and meekness, are so married together, and so impaled in her, that where the one begetteth admiration, the other love; her soul of that excellent temper, so harmoniously composed, her zeal in the ways of God unparalleled; her affections to her lord so great, if she offend him, it is no sunset in her anger; in all her actions and affections so elective and judicious, and a woman so constant for the redemption of all her sex from all imputation, which men (I know not how justly) sometimes lay on them; a princess, for the sweetness of her disposition, and for compassion, always relieving some oppressed soul, or rewarding some deserving subject: were all such saints as she, I think the Roman church were not to be condemned: on my conscience, she troubleth the ghostly father with nothing, but that she hath nothing to trouble him withal. And so when I have said all in her praise, I can never say enough of her excellency; in the relation whereof an orator cannot flatter, nor poet lie: yet is there not Doeg among us, notwithstanding all the tergiversations his counsel hath used at the bar? I can better prove, that he meant the King and Queen by that infamous Nero,

&c. than he proves players go to Hell. But Mr. Prynn, your iniquity is full, it runs over, and judgment is come; it is not Mr. Attorney that calls for judgment against you, but it is all mankind; they are the parties grieved, and they call for judgment.

1. " Mr. Prynn, I do declare you to be a schism-maker in the church, a sedition-sower in the common-wealth, a wolf in sheep's cloathing; in a word, 'omnium malorum nequissimus.' I shall fine him 10,000*l.* which is more than he is worth, yet less than he deserveth; I will not set him at liberty no more than a plagued man or a mad dog, who, though he cannot bite, he will foam; he is so far from being a sociable soul, that he is not a rational soul; he is fit to live in dens with such beasts of prey as wolves and tygers, like himself. Therefore, I do condemn him to perpetual imprisonment, as those monsters, that are no longer fit to live among men, nor to see light. Now for corporal punishment, my lords, whether I should burn him in the forehead, or slit him in the nose? He that was guilty of murder was marked in a place where he might be seen, as Cain was. I should be loth he should escape with his ears, for he may get a perriwig, which he now so much inveighs against, and so hide them, or force his conscience to make use of his unlovely love-locks on both sides. Therefore, I would have him branded in the forehead, slit in the nose, and his ears cropt too. My lords, I now come to this ordure; I can give no better term to it, to burn it, as it is common in other countries, or otherwise we shall bury Mr. Prynn, and suffer his ghost to walk: I shall, therefore, concur to the burning of the book; but let there be a proclamation made, That whosoever shall keep any of the books in his hands, and not bring them to some public magistrate to be burnt in the fire, let them fall under the sentence of this court: for if they fell into wise men's hands, or good men's hands, that were no fear; but if among the common sort, and into weak men's hands, then tenderness of conscience will work something. Let this sentence be recorded, and let it be sent to the library of Sion, (meaning a college in London) whither a woman, by her will, will allow Mr. Prynn's work to be sent.

2. " For Mr. Buckner, I believe that he had no intention at all this work should come abroad; he is said to be a conformable man to the church of England: I shall hardly censure him, he deserveth admonition.

3. " For Sparkes, I concur in all things. The feodary had his office taken away from him by this court; I see, therefore, no reason but that he may be barred from printing and selling of books, and kept wholly to binding of books.

The sentence against Mr. Prynn was executed the seventh and tenth days of May following.

He submitted to his fate with great firmness and resolution.

SAWNEY CUNNINGHAM.

EXECUTED AT LEITH, 12TH OF APRIL, 1635.

THIS person had no reason to say that a good education or tuition was denied him, whereby he might have avoided the several villanous actions he afterwards committed. His family lived in tolerable good repute at Glasgow in Scotland, where he was born; but, in spite of all the learning his parents had given him, or good examples they had set before him, to regulate his passions and direct his conduct right, he abandoned himself, from his earliest acquaintance with the world, to evil practices, till at last he became a monster of prophaneness and wicked living. However, these great disadvantages did not hinder him from making a very honourable marriage; for, as his parents still kept up an honest and genteel character in the neighbourhood where they lived, and as it would have been infamous to have reproached them for those miscarriages in the son which they had strove all they could to root out of his mind, and could not help, so an old gentleman, who had preserved for a long time an inviolable friendship for the family, entered into an alliance with Mr. Cunningham the elder, which at last terminated in giving his daughter to Sawney, and an estate in portion with her of above one hundred and forty pounds per annum, thinking that marriage might be a means to reclaim our adventurer from his ill course of life, and at last settle his mind, to the mutual satisfaction of both families, for which he thought his daughter's portion would be a good purchase, and well laid out. Sawney no sooner found himself in possession of an estate able to support his extravagances, but he immediately gave a greater scope to his passions than he had hitherto done. He made taverns and alehouses the frequent places of his resort, and, not content to waste the day in debauchery and drunkenness, the night too was passed in the same manner. These steps could not but be attended with hurtful consequences, and he was too soon an eye-witness of some of them: for not having always wherewithal to

indulge his usual expenses and method of living, he was forced to have recourse to indirect measures, which ended in pawning every thing he had, not only of his wife's but of his own. Sawney laughed at his follies, and could not bring himself to believe he should ever want, while he had either hands or heart to support him. He was determined to enter upon business as soon as possible; we mean such business as generally brings so many unhappy men to the gallows. His wife, who was beautiful and handsome, saw this; and, with a prudence that became her sex, had some time stifled her uneasiness, till no longer able to bear the torment upon her mind, she entreated him, since all they had in the world was gone, to fall into some honest way of livelihood to support themselves, for it was much and more commendable to do so, than for him to give his countrymen every day so many instances of his riotous and profuse living. Had Sawney given ear to this remonstrance, without doubt, things had succeeded well, and we should never have read the miserable end he suffered. But all admonition was lost on a man abandoned to wickedness, and determined to support his usual extravagances at any rate. The poor young woman, instead of being answered civilly for her love and affection to him, met with nothing but harsh and terrifying words, attended with a thousand oaths and imprecations. The parents, on both sides, observing this, were in extreme grief and concern; and determined, after a serious consultation, to dissolve the couple; but the young and handsome wife would never consent to part from her husband, though so base to her.

It was impossible for Mrs. Cunningham to hide the charms of her face and person, in Glasgow, where there is a university, and, consequently, young gentlemen of fortune and address. Several immediately offered their respects, and money was not wanting to promote their suits; but she could not endure to think of dishonouring the bed of her husband, by a base compliance with the richest man in the kingdom; and always put off her suitor with a frown, and a seemingly disdainful air. But this only served to animate her lovers the more, who now seemed to attack her with a resolution not to quit the siege till she

had either capitulated or surrendered herself. Among the rest was a certain lawyer, who was so frequent in his importunities, that she was quite tired out. However, she was so discreet all the while, as to conceal from her husband Sawney the importunities of her several lovers; but their solicitations increasing, and being determined to be delivered of them as soon as possible, she, one night, as she lay in bed with her husband, began to discourse with him to the following effect:—

"You are sensible, my dear, of the inviolable love I have, from the first day of our marriage, preserved for you, which shall still, let whatever will happen, be as chastely maintained. As a proof of what I tell you, I have been strongly importuned by Mr. Hamilton the lawyer, to consent to his embraces, but still I have warded off from his addresses, though I cannot be free from him; which makes me now desirous to hear your opinion in the matter, and see which will be the safest and best expedient to be delivered of his company."

Here she ended, and Sawney, being thoroughly convinced of his wife's loyalty and fidelity, first answered her with a desire she should forget all his irregularities, confessing their present poverty had been the immediate consequence of his too liberal and profuse living; but that, for the future, she should see a good alteration in his conduct, and he would make one of the best of husbands.

"As for Mr. Hamilton," said he, "it is my advice that you do not give him an absolute refusal; but, pretending a kind of love at a distance, make him think that a considerable sum of money will finish his expectations, and gain him what he so much longs for; you have youth and beauty on your side, and you may, consequently, command him as you please; for I am not so much a stranger to Mr. Hamilton's temper, and inclination, but that I know love will influence him to perform generous things: my dear, I have no occasion to acquaint you with our poverty at this time, but our wants and necessities may be amply made up by dexterously managing this adventure, the prosecution of which I leave to your own prudence and conduct; and, for my part, I shall take effectual care to extricate you and myself out of any consequence that may happen upon it.

Mrs. Cunningham, after this conference with her husband, had a thousand thoughts in her head, how to manage this scheme, so as to make the most advantage of it: she saw that the want of money in her family

must oblige her to it, though extremely against her inclination; and, therefore, determining to put it in execution as soon as possible, she composed herself to rest for that night. The next day Sawney went purposely out of the way, not without a longing expectation of deriving extraordinary advantage from his wife's conduct. Hamilton appeared as usual; and, protesting his love for her was the sincerest in the world, said, that it was impossible for him to enjoy a moment's rest, without tasting those joys she could so easily afford him. Mrs. Cunningham, at first, reproved him for such a bare declaration of his desires, and said:—

"That, so long as her husband lived, she could not, without the most manifest breach of conjugal fidelity, and an eternal infamy to herself, give way or comply with his demands."—"Your person, Mr. Hamilton," said she, "is none of the worst, neither is your sense to be despised; but, alas! heaven has decreed it, that I am already another man's wife, and therefore deprived from gratifying you as I would were the case otherwise. And I have apprehensions of my husband, who is a choleric person, and urged to passion upon the most trifling affair, which either he doth not like, or squares not with his happiness or interest."—"Interest," replied Hamilton, "why, if that be the case, neither your husband nor you shall have any reason to complain; for, let me tell you for once and all, I do not require a gratification from any one without making a suitable return; your circumstances, madam, are not unknown to me, and I am sorry to think that, after having brought Mr. Cunningham so plentiful a fortune, I should have a just occasion to say that you are poor; but, mistake me not, I scorn to make a handle of your circumstances; neither do I believe Mrs. Cunningham would ever consent to my desires on such servile terms."

Upon this, madam answered him with a great deal of prudence and art; she told him,

"That he pleaded handsomely for himself, and if she was not a married woman, there should be nothing to obstruct their desires."

Mr. Hamilton hearing this, made her a long harangue, in which he endeavoured to shew how weak her objection was, with respect to her husband, concluding, that what they did might be so artfully contrived that neither Mr. Cunningham nor the world should know any thing of it. In fine, the lawyer pleaded as if it were for life, for her consent, which madam observing, and not caring to prolong the time too far, but dispatch a great deal of business in a little time, artfully told him,

"That since her stars had so directed the actions of her life, that she had no power of herself to contradict them, she resigned herself to him, and said, that it was to no purpose to stifle her inclinations for him any longer; for, to be plain with him, she had loved him from their first acquaintance together, before all the men she had ever seen, and that she hoped there was no transgression in an affair which her destiny ruled; and if the world proved censorious, she did not care."

In short, an assignation was made, and a porch of one of the churches in Glasgow designed to be the place where these two lovers were to meet. Nothing in the world gave the lawyer so much satisfaction as the thought of having obtained the consent of his fair mistress, who had declared her love to him, and resigned herself up to his arms. Hamilton promised to make her a present of a purse of a hundred pounds sterling; and she on her side assured him, that he might expect all the kindness she was able to afford him. Here they parted, and the lawyer thought the time very long till the hour appointed was come. It arrived, and both appeared in the porch. Hamilton wanted to know where Mr. Cunningham, her husband, was; and was informed, that he was gone a short journey into the country, which, however, would take him up eight days; whereas madam had posted him, or he had done it himself, in a private place in his chamber at home. Hamilton seemed extraordinarily pleased at his success, and the repose he should find in indulging his passion, now his antagonist was out of the way, as he thought. In a little time both went to Sawney's house, and having entered his bed-chamber, where he was concealed, and a good fire burning, Mr. Hamilton pulled out two purses of gold and gave them to her, and then going to undress himself, Sawney sprang out of his hiding place, and with one stroke of a club he had in his hand, knocked Mr. Hamilton down; not contented with his wife's having received the two purses of gold, he determined to have the lawyer's cloaths too; and therefore redoubled his blows, till the poor gentleman died at Mrs. Cunningham's feet. Mrs. Cunningham not dreaming her husband would have carried matters to such an issue, seemed frightened to the last extreme at what had been done; but Sawney endeavoured to give her ease, by telling her, that he would work himself out

of the scrape immediately, and so saying hoisted the body on his shoulders, and went out at a back-door which led directly to Hamilton's house, which easily opening, and the darkness of the night favouring him, he carried the lawyer to the vault, and placed him upright on the seat, to the end that the first who found him there might conclude he had died in that place and posture.

It seemed Mr. Hamilton had the day before acquainted a particular friend who lived in his house, with his success, and how he was to have a meeting with Mrs. Cunningham that night. This friend having a very violent looseness, rose about midnight in his night-gown, and stept down to the vault, where opening the door, he spied Mr. Hamilton sitting; and imagining that he was come there on the very same errand as himself, he stayed without a considerable time, to his own uneasiness, till finding his friend did not stir, he opened the door again, and taking him by the sleeve of his coat, was surprised to find him fall down. He stooped to take him up, but found him dead; upon which, being in a great perplexity, he called to mind his acquainting him with the assignation between him and Mrs. Cunningham; he concluded his friend had found no fair play there, knowing the husband to be none of the easiest of men. Fearing that he himself should be thought the murderer, he took up the body upon his shoulders, and carried it to Sawney's house-door, where he set it down. Madam, a little after midnight, having occasion to go down, got out of bed, and opening the door, let the body of her late lover tumble into the house, which putting her into a fright, she ran up-stairs into the chamber, and told Sawney that the lawyer was come back. "Ay, ay," says he, just waking out of his sleep, "I'll warrant he shall come back no more, I'll secure him presently;" and so saying, sprung immediately out of bed, put on his cloaths, and hoisted the dead lawyer once more on his shoulders, with a design to carry him to the river and throw him in, but seeing some persons, at some distance, coming towards him, he stepped to the side of the street till they were got by, fearing his design might be discovered. These persons were half-a-dozen thieves, who were returning from a plunder they had made of

two large flitches of bacon, out of a cheesemonger's shop; and as they came along were talking of a vintner hard by, who sold a bottle of extraordinary wine. Sawney was somewhat relieved from his fears at hearing this conversation. He had not been at his post long, before he had the satisfaction of seeing this company put their bacon, which was in a sack, into an empty cellar, and knock the master of the tavern up to let them in. The coast being now clear, Sawney conveyed the dead lawyer into the cellar, and taking out the purloined goods, put his uneasy cargo in the sack, and then marched home. Meanwhile, the thieves were carousing, little dreaming what a change they should presently find in their sack. Little or no money was found amongst them, and the flitches were to answer the full reckoning, so that they continued drinking till they thought the bacon was become an equivalent for the wine they had drank. One of them, addressing the landlord, told him:—

"That he must excuse him and his comrades for bringing no money in their pockets to defray what they had expended, especially at such an unseasonable time of night, when he had been called out of his bed to let them in; but landlord, in saying this, we have no design of doing you any wrong, or drinking your wine for nothing. For we have got two flitches of bacon in a cellar hard by, which will more than answer our expences, and if you care to have them they are at your service."—"Gentlemen," said the vintner, "if the flitches of bacon, you say you have, are good, I'll take them off your hands, and quit scores with you, so they but answer my demands."

Immediately one of them said he would go and fetch them, and accordingly coming into the cellar strove to hoist the sack up:—

"Zounds," says he, "why, I think the bacon is multiplied, or I am deceived. What a load is here to gaul a man's shoulders; the vintner will have a rare bargain."

And so saying, he carried the corpse on his shoulders to the tavern. On opening the mouth of the sack, they were surprised to see a man's head peep out. The vintner presently knew the lineaments of the deceased's face, and cried out,

"Rascals, this is the body of Mr. Hamilton, the lawyer, and you have murdered him."

At this all the six were in the utmost horror and confusion, and really appeared like the guilty persons. But the vintner, observing them endeavouring to get away, made such a noise of murder, that immediately all the family were out of their beds, and the watch at the house-door, to know the reason of such an alarm. The thieves were instantly conveyed to a place of durance for that night, and in the morning were sent to the main prison, when, after a little time, they took their trials, were found guilty of Mr. Hamilton's death, and executed accordingly.

Sawney came off very wonderfully from this matter, though neither his wife's admonitions, nor his own frequent asseverations to her to leave off his irregular course of life, were of any force to make him abandon it; the bent of doing ill, and living extravagantly, was too deeply rooted within him, ever to expect any reformation to take place. He began to shew himself a monster in iniquity, and committed every wickedness that could exaggerate the character of a most prophane wretch. For it is impossible to enumerate, much more to describe, the quantity of his villainies, they being a series of such horrid and incredible actions, that the very inserting them here would only make the reader think an imposition were put upon him in transmitting accounts so shocking and horrible. The money he had obtained of Mr. Hamilton was a dear purchase; it was soon played away with and consumed, which made him throw himself on other shifts to support his pockets; to which end he visited the high-way, and put those to death who offered to oppose him. His character was too well known in the west of Scotland, to want any further information about him, which obliged him to hasten to Edinburgh; where, meeting with a gang of his profession, who knew him to be most accomplished in their way, he was constituted general of their body, and each man had his particular lodging in the city. But Sawney, who ever chose to act the principal part in all encounters, industriously took lodgings at a house noted for entertaining strangers, where he was not long in insinuating himself into their acquaintance, by making them believe that he was a stranger as well

as they, and was come to Edinburgh on no other account than purely to see the city, and make his observations upon its public buildings, and other curiosities, and that his ambition had been always to procure honest and genteel acquaintance. Sawney had a most artful method to conceal the real sentiments of his mind, and hide his actions, which, in a little time, so gained upon the belief of these strangers, that they could not help believing him to be one of the sincerest men breathing: for it was his custom sometimes to take them along with him two or three miles out of the city, to partake of some handsome dinner or supper, when he was sure never to let them be at a farthing expence, but generously discharged the reckoning himself: the design of all this was to make his advantage of them, and force them to pay an extravagant interest for the money he had been out of pocket in treating them; for constantly were persons planted in one place or other of the road, by his immediate direction, who fell upon them as they returned to the city, and robbed them of what they had: but, to avoid suspicion, they always made Sawney their first prize, and rifled him, who was sure, in the morning, to obtain his own loss back again, and a considerable share of the other booty into the bargain.

Some time after this, our adventurer, with two of his companions, meeting on the road with three citizens of Edinburgh, affronted them in a very audacious manner, and used such language towards them as plainly discovered that either death or bloodshed was near at hand. He told the person who seemed the genteelest and best drest of the three, that the horse he rode on was his, and had been lately stolen from him, and that he must return it him, or else the sword he wore should do him right. Sawney's companions began with the others after the same manner, and would needs force them to believe that the horses they rode upon were theirs: the citizens, astonished at this gross piece of impudence, endeavoured to convince them the horses were their own, and that they had paid for them, and wondered how they dare pretend to dispute such an affair; but these words were far from having any effect on Cunningham; and the citizens, in the conclusion,

were forced to dismount and give them their horses and money into the bargain, being somewhat consoled that they had suffered no worse consequences, for Sawney, by this time, was drenched in all manner of villainy, and bloodshed was now accounted a trifle, so little value did he set on the lives of any persons.

Sawney having run a merry course of roguery and villainy in and about Edinburgh for some time, where he made a considerable advantage to himself, so that fortune seemed to have requited him for all the poverty and want he had before endured, determined now to go home to his wife, and spend the remainder of his days agreeably with her, on the acquisitions and plunder he had made on his countrymen. Accordingly he came to Glasgow, where, among a few acquaintances he conversed with, for he did not care to make himself too public, he gave signs of amendment, which at first they could hardly be brought to believe in. One night being in bed with his wife, they had a close discourse together on all their foregoing life, and the good woman expressed an extraordinary emotion of joy at the seeming alteration and change in her husband; she could not imagine what reason to impute it to; for she had been so much terrified from time to time with his barbarities, that she had no room to think his conversion was real; neither, on reflecting on the many robberies and murders he had committed, could she persuade herself that he could so soon abandon his licentious and wicked courses; for she supposed, if his altered conduct was real, it was miraculous, and an original piece of goodness hardly to be met with. The sequel will prove that this woman had juster notions of her husband than the rest of his acquaintance, and those that knew him, and that she built all her fears on a solid and good foundation, as we shall endeavour to shew in its proper place. For all the signs he gave of an altered conduct, and all the plausible hints to rectify his former mistaken steps, were no other than only to amuse the world into a good opinion of him, so that he might make his advantage of it with the greater freedom and impunity. And he was not out in his aim; for it seems, whenever he committed any thing sinister,

or to the disadvantage of any of his countrymen, and he was pitched on as the transgressor, the town would say, "It could not be, for Mr. Cunningham was too much reclaimed from his former courses ever to give into them again." We shall insert a very notable adventure Sawney had with a fortune-teller; to which end we shall trace it up from the fountain-head, and give our readers the first cause that induced him to it. When Sawney was an infant, he was put out to nurse to a poor countrywoman, in a little village, a mile or two out of Glasgow; the woman, as the boy grew up, could not help increasing in her love for him, and would often say to her neighbours, "Oh! I shall see this lad a rich man one day." This saying coming to the ears of his parents, they would frequently make themselves merry with it, and thought no more of it, than as the pure result of the nurse's fondness. Sawney having enriched himself with the spoils about Edinburgh, actually thought his old nurse's words were verified, and sent for her to give her a gratification for her prediction. She came, but Sawney had so disguised himself that the poor woman did not know him. He told her that he was an acquaintance of Mr. Cunningham's, who, on her coming, had ordered him to carry her to Mr. Peterson, the astrologer's, where she would be sure to see and speak to him; for he was gone there to get some information about an affair that nearly concerned him. The nurse and her pretended conductor went to the fortune-teller's, where desiring admittance, Peterson thought they were persons that wanted his assistance, and bade them sit down, when Sawney began to harangue upon astrology, and the laudable practice of it.

"I and this old woman," said he, "are two of the most accomplished astrologers, or fortune-tellers, in Scotland; but I would not, Reverend Sir, by so saying, seem to depreciate from your knowledge and understanding in so venerable a science. I came to communicate a small affair to you, to the end that, not relying on my judgment and this woman's, I might partake of yours. You are to know, Sir, that, from six years of age, I have led a very untoward life, and been guilty of many egregious sins, too numerous to tell you at present, and what your ears would not care to hear; for my employment has been to make myself a sharer of other people's money, bilk my lodging, and ruin the

vintners; for a bottle I have sold the twelve signs in the Zodiac; and if I had not a profound respect for the persons of my venerable order and profession, I should call Mercury the ascendant in the fourth house, at this minute, to lug half a score pieces of yours. By my exceeding deep knowledge in astrology, I can perfectly acquaint all manner of persons with every occurrence of their lives, and were it not to frighten yourself, I would conclude, from the appearance and conjunction of Saturn and Vulcan, that your worship would be hanged for your profession. But, Sir, though destiny hangs this unfortunate death over your head, it is at some distance from it, and may be some years before it strikes you. Is it not surprising that a man shall be able to read the fates of mankind, and not have any pre-knowledge of his own? and is it not extremely afflicting to think, that one who has done so much good in his generation, and assisted so many thousands to the recovery of things that would have been inevitably lost, without his advice, should come at last to the ignominious halter, as a fit recompence for his services? Good heavens! where is the equity of all this? Certainly, Sir, if we are to measurse the justice of things by the laws of reason, we must naturally conclude, that laudable and good actions deserve laudable and good recompence; but can hanging be said to be this good recompence? No; but the stars will have it so, and how can mankind say to the contrary?"

Cunningham paused here a while, and the astrologer and old nurse wondered whom they had got in company with. Mr. Peterson could not help staring at the physiognomy of our adventurer, and, in spite of himself, began to be in a panic at his words. The nurse was in expectation of seeing Sawney come in every minute, little dreaming the person she was so near was the man she wanted.

"Well, venerable Sir," said he, "do not be terrified at my words, for what cannot be avoided must be submitted to. To put you out of your pain, I'll tell you a story. A gentleman had a son, who was his darling, and consequently trained up in all the virtuous ways that either money could purchase, or good examples teach. The youth, it seems, took to a laudable course of life, and gave promising signs of making a fine man; nor, indeed, were their expectations deceived; for he led a very exemplary life of prudence, excellent conduct, and good manners, which pleased the parents so much, that they thought every thing they could do for him too little. But the mother, out of an inexpressible fondness for him, must needs go to an astrologer, and enquire how the remaining part of his life must succeed. Accordingly the horoscope is drawn, but a dismal appearance results from it; it acquaints the mother that her son shall remain virtuous for two-and-thirty years, and then be hanged. "Monstrous and

incredible!" says she, "but I'll take care to secure him in the right way; or all my care will be to no purpose." Well, the family are all soon acquainted with this threatening warning. The person determined to be the sacrifice is already nine-and-twenty years old, and surely, they suppose, they can easily get over the other three years, when all shall go well with their kinsman. But what avails all the precautions of mankind? This same son obtains a commission of a ship, goes to sea, and, acting quite contrary to his orders, turns pirate, and, in an encounter, happens to kill a man, for which, on his return to his native country, he is tried, condemned, and hanged. What think you of this, venerable brother? Is not he a sad instance of an over-ruling influence of the stars? But not to prolong too much time on a discourse of this nature, let us come to the purpose. You are now, as I cannot do it myself, to tell me my fortune, and this old woman is to confront you if you tell me a lie. There is no excuse to be made in the matter; for by heavens, on your refusal, I'll case this room of your damnable trumpery, and send you packing to the devil after them."

These words were enough to frighten any man out of his senses; nor could Peterson well discover the intention or drift of his talkative and uneasy visitant.

"What would you be at?" says the astrologer.

"Why, do not you see, what a terror you have put that good woman into, who trembles like an aspin-leaf?"

"I am not used, friend, to have persons come into my house, and tell me to my face, that I am to be hanged, and then to confirm it, as you pretend, tell me an old woman's story of a cock and a bull, of a young man that went to sea, and was hanged for robbing, for which he certainly deserved the punishment he met with. As for telling your fortune, I'll be so plain with you, that you'll swing in a halter as sure as your name is Sawney Cunningham."

"Sawney Cunningham," quoth the nurse, who, straightway throwing her arms about his neck, began to kiss him very eagerly, and looking earnestly in his face, cried aloud, 'And art thou Sawney Cunningham! why I thought thou would'st come to be a great man, thou wast such a Scotty lad."

"Do you see now," says Sawney, "what a lie you have told me, in impudently acquainting me that I shall be hanged, when my good prophetess here tells me, I am a great man, for great men never can be hanged."

"I don't care for what she says, nor you neither, for hanged you'll be, and that in a month's time, or else there never was a dog hanged in Scotland."

"Pray, brother, how came you to know this without consulting my horoscope?"

"Know it—why your very condition tells me you have deserved hanging this dozen years, but the laws have been too favourable to you, else Mr. Hamilton's death had been revenged before this

time of day. Now, to convince you of my superior knowledge in astrology, I mean, in telling how far their influence extends over any man's actions, I'll point to you the very action and persons that will bring you to the gallows. This very day month you shall go (in spite of all your foresight and endeavours to the contrary) to pay a visit to Mr. William Bean, your uncle by your mother's side, who is a man of unblameable character and conversation. Him shall you kill, and assuredly be hanged."

Sawney, having observed the air of gravity wherewith Mr. Peterson delivered his words, could not help falling into a serious reflection about them; and, thinking the place he was in not convenient enough to indulge the thoughts he found rising within him, abruptly left the fortune-teller, and giving his old nurse five shillings, returned home.

After having seriously pondered on the several particulars of Peterson's words, he could not for his heart but think that the old man, in order to be even with him for telling him of being hanged, had only served him in his own coin; so that after a few hours every syllable was vanished out of his mind, and he resolved to keep up to his usual course of life.

We draw on to his last scene now, which shall be dispatched with all the brevity we are masters of. Sawney having escaped many dangers, and run through many villainies with impunity, must needs go to his uncle Bean's house to pay him a visit, with no other design than to boast to him of his late successes, and how fortune had repaired the injuries his former misconduct and remissness had done him. He went, and his uncle, with his moral frankness, bade him sit down, and call for any thing his house could afford him.

"Nephew," says he, "I have desired a long time to see an alteration in your conduct, that I might say I had a nephew worthy of my acquaintance, and one to whom I might leave my estate, as deserving of it; but I am acquainted from all hands, that you go on worse and worse, and rather than produce an amendment, abandon yourself to the worst of crimes. I am always willing to put the best interpretation I can upon people's conduct; but when so many fresh reports come every day to alarm my ears of your extravagancies and profuse living, I cannot help concluding but that the greatest part of them are true. I will not go about to enumerate what I have heard, the discovery of mistakes only serving to increase one's uneasiness and concern. But methinks, if a good education, and handsome fortune, and a beau-

tiful and loving wife, could have done any service with respect to the reclaiming you, I should have seen it before now. Your wife has been an indulgent and faithful friend to you in all your misfortunes; and the lowest employment in life, could you but have confined yourself, would have proved more beneficial, and secured your character, and the esteem of your family and friends, better than the ways you now tread in. I am sensible my advice is insignificant, and men of my declining years are little valued or thought of by the younger sort, who, in this degenerate age, think none wiser than themselves, and are above correction or reproof. Come, nephew, Providence may allot you a great many years more to run, but let them not be such as those already past, if Heaven should grant you the indulgence. If I could build any hopes on a good foundation, that you would yet repent, methinks I could wish to have vigour and strength to live to see it; for what my satisfaction would be then, none are able to declare, but such only as are in the like case with myself. Our family has maintained an unspotted character in this city for some hundreds of years, and should you be the first to cast a stain upon it, what will mankind or the world say. You may depend that the load of infamy will be thrown on your back, for all who know, or have heard the least of us, will clear us of the dishonour, as knowing how well you were educated, how handsomely fitted out for the world, and how well you might have done. If fame says true, you are to be charged with Mr. Hamilton's death; but I cannot bring myself to think you would ever be guilty of so monstrous an impiety. It seems he had been your benefactor, and several considerable sums of money he had given you, in order to retrieve your lost circumstances; but was to give him his death the way to recompence him for his kindness? Fie on it. Not Pagans, or the worst of infidels, would repay their benefactors with such usage; and shall we Christians, who boast so much above them, dare to do that which they abhor from their souls? It cannot be, nephew; but all thoughts of humanity and goodness are banished from your mind, otherwise some tincture would still have remained of Christian principles, that would have told you, you were highly indebted to that good and eminent lawyer's bounty. I am more diffusive on this head, because it requires a particular disquisition; neither mistake me in this matter, for I am not determined to rip up things to the world, in order to blacken your character more than it is already, nor to bring you under condemnation; only repent, and lead a more sober life for the time to come, and all the wishes and expectations of your friends and family are then fully answered. First, endeavour to reconcile your passions to the standard of reason, and let that divine emanation conduct you in every action of your future life, so will you retrieve the time you have lost, patch up your broken reputation, be a comfort to your family, and a joy to all who know you. Ill actions seem pleasing in their commission, because the persons that pursue them have some aim of advantage in doing them; but let me tell you, there is nothing in the world like a virtuous pursuit,

though the road is beset with thorns and briars; but there are inexpressible delights and pleasures in that wilderness, which not all the vices in the world can balance. This exhortation probably may be the last that may come from my lips; but, indeed, you have need of advice every moment, and want the leading-strings of a child, yet neither want you sense or understanding: how comes it then you make such bad use of them? Are not all the miserable catastrophies of profuse and wicked livers sufficient to deter you from your licentious course of life? If gibbets and gallows could have any influence on a mind, unless lost to all sense of goodness, certainly the melancholy ends so many monthly make here, should be a means of opening your eyes and reclaiming you. But, alas! the wound, I fear, is too deep, and no medicines can now prevail; your enormities are of such an egregious dye, that no water can wash it out. Well, if neither the cruel consequences of an iniquitous and mispent life, nor all the advice which either your friends and relations can give you; if good examples, terrors, or death, cannot awaken you from your profound lethargy and inactivity of mind, I may well say your case is exceedingly deplorable, and what, for my part, I would not be involved in for ten thousand worlds. You cannot surely but know what you have to depend on now your friends and relations abandon you, for you are styled a murderer; and the man that has once dipt his hands in blood, can never expect enjoyment of any felicity either in this or the next world; for there is an internal sensation, called conscience, which brings an everlasting sting along with it, when the deeds of the body are heinous and black. Indeed, some may pretend to stifle their iniquities for a considerable time, but the pause is but short; conscience breaks through all the barriers, and presents before the eyes of the guilty person his wickedness in frightful colours. What would not some give to be relieved of their racking nights and painful moments? When freed from the amusents of the day, they might wish to rest, but cannot. 'Tis then that Providence thinks fit to give them a foretaste of those severities, even in this life, which will be millions of times increased in the next."

Here the good old man shed a flood of tears, which pity and compassion had forced from his eyes, nor could Sawney forbear shedding a tear or two at hearing; but it was all pretence, and an imitation of the crocodile; for he was determined to take this reverend old gentleman out of the world, to get possession of his estate, which, for want of male issue, was unavoidably to devolve upon him after his death. With this view, after he had made an end of his exhortation, he stepped up, and, without once speaking, thrust a dagger into his heart, and so ended his life; and, seeing the servant-maid come into the room at the noise of her master's falling

on the floor, cut her throat from ear to ear; and then, to avoid a discovery being made, set fire to the house, after he had rifled it of all the valuable things in it; but the divine vengeance was resolved not to let this barbarous act go unpunished: for the neighbourhood observing a more than ordinary smoke issuing out of the house, concluded it was on fire, and accordingly unanimously joined to extinguish it, which they effectually did; and then, going into the house, found Mr. Bean and his maid inhumanly murdered. Our adventurer was got out of the way, and no one could be found to fix these cruelties upon; but it was not long before justice overtook Cunningham, who, being impeached by a gang of thieves that had been apprehended, and were privy to several of his villainies, he was taken up and committed a close prisoner to the talbooth, where so many witnesses appeared against him, that he was condemned and hanged at Leith, the 12th of April, 1635.

When he went to the place of execution, he betrayed no signs of fear, nor seemed any way daunted at his approaching fate. As he lived, so he died, valiantly and obstinately to the last, unwilling to have it said, that he, whose hand had been the instrument of so many murders, proved pusillanimous at the last.

JOHN HAMPDEN, Esq.

FOR REFUSING TO PAY SHIP-MONEY, 1637. 13 AND 14 CAR. I.

His majesty King Charles I. in the beginning of February, $163\frac{6}{7}$, caused the following case to be proposed to the judges, viz.

"Carolus Rex.

"When the good and safety of the kingdom in general is concerned, and the whole kingdom is in danger; whether may not the king, by writ under the great seal, command all his subjects, at their charge, to provide and furnish such number of ships, with men, victuals, and munition, and for such time as he shall think fit, for the defence and safeguard of the kingdom, from such dan-

ger and peril; and by law compel the doing thereof, in case of refusal and refractoriness? And whether, in such a case, is not the king sole judge, both of the danger, and when, and how, it is to be prevented and avoided?"

To which the judges answered,

"We are all of opinion, that when the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, your majesty may, by writ under the great seal, command all your subjects, at their charge, to provide and furnish such number of ships, with men, munition, and victuals, and for such time as your majesty shall think fit, for the defence of the kingdom, and may by law compel the doing thereof, in case of refusal; and that your majesty is the sole judge, both of the danger, and when, and how, the same is to be prevented and avoided.

"Signed by all the twelve judges, viz. Jo. Brampston, Jo. Finch, Humph. Davenport, Jo. Denham, Rich. Hutton, W. Jones, Geo. Croke, Tho. Trevor, Geo. Vernon, Fra. Crawley, Rob. Berkley, and Fra. Weston."

This resolution his majesty caused to be published, and entered in the courts at Westminster, and directed the judges to communicate it to the people, in their respective circuits.

The occasion of demanding the opinions of the judges was this: a writ had been issued in the eleventh year of King Charles I., directed to the sheriff of Bucks, the bailiff and burgesses of Buckingham, &c. reciting, that his majesty being given to understand, that the sea was infested by thieves, pirates, and sea-robbers, as well Turks, enemies to Christianity, as others, who took and plundered the ships of his majesty's subjects, and those of his allies who used to be protected heretofore by the English nation: that his majesty considering also the danger that in these times of war hung over us; and desiring to provide for the defence of the kingdom, the maintaining the dominion and protection of the sea, and the security of the subjects; he does therefore command the sheriff, &c. upon their faith and allegiance, that they provide in this county a ship of war, of 450 tons, with 180 men, guns, gunpowder, double tackling, and all other things necessary; and to bring the said ship to Portsmouth by the 1st of March.

next, provided with victuals, mariners, wages, and all other necessaries, for twenty-six weeks, in order to proceed with his majesty's other ships of war, and those of his other subjects, for the defence of the sea, and themselves: and the said sheriff, &c. are further commanded, within thirty days after the receipt of this writ, to assess every person equally within the said county (who had no share in the said ship, and did not serve therein), towards the charges of providing the said ship, &c. according to their estates and employments; and the portions so assessed to levy by distress, or other lawful ways: and if any person should be found rebellious, or refractory, in the premises, to imprison him till further orders.

Some of the inhabitants of the county of Bucks refusing to pay the money required of them, for fitting out a ship, a *scire facias* was issued to the sheriff of Bucks, reciting, that whereas several sums of money, in a schedule thereto annexed, had, by virtue of the above-said writ of 4 Aug. 11 Car. been assessed upon divers persons in that county, for providing a ship of war, which were not yet paid: and that upon a *certiorari*, dated 9 March, 13 Car. the said sums, and the several persons on whom they were assessed, were certified into Chancery; and from thence, by *mittimus*, dated 5 May, were sent into the Exchequer, that process might issue against the defaulters. The sheriff was thereupon commanded, *quod scire faceret* the several defaulters, that they should appear in the Exchequer, in Octob. Trin. 13 Car. and shew cause why they should not pay the respective sums assessed on them: and the sheriff returned *quod scire fecit*, John Hampden, esq.; who was assessed twenty shillings, and had not paid it: whereupon Mr. Hampden appeared, and demanded *Oyer* of the *scire facias;* of the schedule of the writ, dated 4 Aug. 11 Car. the *certiorari* and *mittimus;* and of their several returns; and demurred to them: and Mr. Attorney joining in demurrer, the cause was adjourned into the Exchequer-Chamber, to be heard before all the judges of England.

All the judges being assembled in the Exchequer-Chamber, in Hilary Term, 163⅞, Mr. St. John, coun-

sel for Mr. Hampden, entered upon his defence, and said,

" He admitted that the king was, by law, entrusted with the care and defence of the realm; that the militia was entirely in his hands; that no man might send out a ship of war, or erect a bulwark upon his own land, against an enemy, without the king's commission; nor might the subject, without a special commission, arm, or draw troops together, or make any general collection of money of the subjects, though with their consent: the *suprema potestas* was inherent to his majesty, as part of his crown and kingly dignity: his majesty also was the sole judge of dangers from abroad; and when, and how, the same ought to be prevented. He admitted further, that the law had given the king a power, by writ, to command the inhabitants of each county to provide shipping for the defence of the kingdom, and might compel the doing thereof; so that the question was not, in whom the supreme power of giving the authority to the sheriff, which was mentioned in the writ, did lie (for that was in the king), but the question was, by what means this supreme power was to be communicated and applied, the law of England having known rules, which were necessary to be observed in such cases?

" As the king could not apply his laws, in many cases, without the assistance of his judges; so, in other cases, he could not communicate, either his power, or justice, to his subjects, without the assistance of his parliament: that it did not appear that this writ, which gave power to sell and alter the property of the defendant's goods, issued from his majesty, sitting in parliament: and the question then would be, if it was not erroneously issued?

" There were several known and undoubted ways and means whereby the law had provided for the defence of the realm, both by land and sea, without this way in the writ, as first by the tenure of lands. The kings had anciently all the lands in their own hands: their books agreed, that all the lands in the kingdom were held, mediately or immediately, of the crown; and as the law had intrusted the king with the defence of the kingdom, so had it intrusted him with the reservation of such tenures as might serve for that purpose.

" Every man, who held by knight's service, was to find a man completely armed: he who held by a whole knight's fee, forty days: he who held by half a knight's fees, twenty days; and so in proportion: and it appeared by the red book, that there were thirty thousand knights' fees held of the crown at the conquest; and since the tenants, by knight's service, were obliged to serve but forty days, other tenures were reserved; such as grand-serjeantry, tenures by cornage, and castle-guard; and, according to Littleton, there were eleven thousand of these tenures, for the defence of castles and fortresses, within the realm; most part of which had been upon the sea-coasts, or upon the frontiers of Scotland and Wales, the places of greatest danger. Besides which, there were tenures by petty-serjeantry, which

were intended for the finding of all sorts of armour and munition for the war.

" Besides these tenures, the law has conferred divers prerogatives on the king, which were intended to be employed for the defence of the kingdom, and other public occasions; such as the property of all treasure-trove, and gold and silver mines. In the parliament-roll of 6 Rich. II. M. 42. the commons petition, that the king will live on his revenues; and that the wards, marriages, reliefs, escheats, forfeitures, and other profits of the crown, may be spent in the wars for the defence of the kingdom.

" That aids and subsidies, and likewise tonnage and poundage, before they were granted the crown for life, were intended not only for the protection of merchants, and the ordinary defence of the sea, but for a defence thereof in times of extraordinary danger, from the incursions of enemies, &c. as appeared by the several grants of them in the parliament-rolls; and when they were granted for life, it appears by 12 Edw. IV. 13. they were granted, that the king might always have treasure in readiness to oppose an invasion: that his majesty was in the actual possession of these, and had by his proclamation declared, that they were granted to his ancestors for the defence of the seas, and the safety of the realm; and that he received them for that purpose.

" That by the statute of Winchester, 13 Edw. I., every man, according to the value of his lands and goods, is to find horse and armour for the defence of the realm; and by 5 Hen. IV. every man is to find armour against invasions.

" He insisted, that the service of the cinque-ports, tonnage and poundage, and the other duties above-mentioned, were the ordinary legal ways appointed for the defence of the sea. The way by the writ; by assessing and altering the property of the subjects goods, without their consent, as it was an unusual and extraordinary way, so he should shew it was not legal. If the service of the ports had been first required, and the money, arising by the ways aforesaid, had been laid out in the defence of the kingdom, and these had not been sufficient; if it should be admitted, in that case, that the writ was legal, yet, in this case, it could not be so; because it was a maxim in law, that we ought not to have recourse to extraordinary means, when the ordinary means were sufficient: as no man could sue in chancery, when he might have remedy at common law; nor ought any man to be tried by a court-martial, while the civil courts were open. But he held, that the property of the subjects' goods could not be affected, or altered, without an act of parliament, though it were for the defence of the realm; which, he said, was evident from the aids and subsidies which had been granted by parliament: and from the ancient summons to parliament: for when aids were demanded, the particular cause of defence, and against what enemy, were specified: his majesty could not, without a parliament, tax his subjects, even for the levying land-forces for the defence of the kingdom; for maintaining his forts and castles; for warlike stores, or provisions; for the maintenance of prisoners, or hostages; or for preserving the public peace; and, if he

could not tax them for these services, it was evident he could not tax them for any.

" He admitted, that after the statute of Winchester, every man, according to his estate and abilities, was to find all manner of arms, as well for the defence of the realm against foreigners, as for the preservation of the peace: and that, upon sudden invasion, or rebellion, they were compelled to march out of their respective counties to oppose either, where the king went in person; as appeared by 11 Hen. IV. cap. 1. and 18. And he admitted, that as long as they remained at home in their several counties, they were to have no wages: but he denied that the subject was taxable for wages, or provisions, or otherwise, for finding soldiers out of their respective counties, for defence of the kingdom; or that they were compelled to do it at their own charge.

" He acknowledged, indeed, that before the reign of Edw. III. commissions had issued for that purpose: to balance which, it was evident, that armies of 30,000 men, besides those who were obliged to serve by their tenures, had been maintained at the king's charge, from the time they marched out of their respective counties. And, upon a rebellion in the reign of Henry VIII. against which the king intended to have gone in person, privy-seals were sent to most of the gentry, to attend the king with their best retinues; and they should bring the bills of their expences with them, which were promised to be repaid: and it appeared, that those who lost their horses in battle with the enemy in the reigns of Edw. I. and Edw. II. were entitled to damages for the loss of their horses: that the king also bore the charge of such frontier castles and towns as were besieged, appeared by the allowances made in the exchequer, Trin. 27 Edw. I. Rot. 47. *pro tuitione* New-Castle *contra* Scotos, *qui hostiliter regnum in partibus illis invaserunt*: and the charge of maintaining prisoners taken in defensive wars were frequently allowed in the exchequer, 4 Edw. II. Rot. 22. dors.

" Then he proceeded to shew, that money borrowed by the king, for the defence of the realm, had not only been repaid upon petition, but recovered by suit in the ordinary courts of justice. Comm. Pasch. 31 Rot. 41. the king borrowed of Henry Thomson 149*l. pro defensione regni;* which was sued for, and re-payment ordered: And Pasch. 29 Edw. I. Rot. 18. The king *pro urgentissimis regni negotiis et defensione totius regni*, having seized the money of all the abbies, cathedrals, and religious houses, and promised to return it: upon petition for it, at the parliament held at Lincoln, he promised the re-payment of it again, *ita quod regis conscientia super hoc exoneretur*. But if the king had apprehended, when he wanted money for the defence of the realm, he might have taxed his subjects for it, he would never have answered, that he would repay it, *ad oxonerandum conscientiam;* for, then, in equity and conscience, the parliament ought to have satisfied such debts.

" That the subject was not liable to such charges for the defence of the kingdom, he observed, also, was evident from several acts

of parliament; as 4 Will. I. where the king grants that all freemen should hold their lands and possessions free from all unjust exactions and tallages, *Nisi servitium suum liberum quod de jure nobis facere tenentur.* And the grant or statute obtained of King John at Runningmead, that no aid should be levied but by the common (or grand) council of the kingdom. 25 Edw. I. cap. 5 and 6. That no aids should be taken, but by consent in parliament; and by the statute *De Tallagio*, that no tallage, or aid, shall be taken without consent: and it happened, that the grievances which procured the last statute were exactions made by the king for the defence of the realm.

"The statute 14 Edw. III. cap. 1. declares, that the people shall not be compelled to make any aid, or sustain any charge, but in parliament. He cited also 25 Edw. III. and 1 Rich. III. against the taking of loans and benevolences. And in the 3d year of the present king, a commission issuing for aiding his majesty's allies beyond the sea, or for the defence and safety of the kingdom; that commission was condemned by both houses of parliament, and cancelled in his majesty's presence."

Sir Edward Littleton, the solicitor-general, argued on the other side in behalf of the king, and observed,

"That the writ directed to the sheriff of Bucks, 4 Aug. 11 Car. I. for providing a ship for the defence of the kingdom, was the ground of the assessment; and the reason set forth was, *quia salus regni periclitabatur*, which was not only confessed by the demurrer, but testified by the king under the great seal: the sole question therefore was, whether the king, finding the safety of the kingdom necessarily required the aid commanded in the writ, might not require that aid for the preservation of the kingdom and people?

"It was agreed, that the kingdom was to be defended, and that the king was entrusted with that defence; but it was denied, that he might do it out of parliament: he was sorry there could be no salvation for the people but in parliament. Mr. St. John had admitted the king might do this, if there was an actual war, or a war proclaimed; and why then might it not be done, when the safety of the kingdom was in danger? The fundamental rule, cited by himself, was, that the safety of the people was the supreme law; and it would be strange, if the king could by his writ grant them a remedy for the recovery of their private estates, and should not have power to issue a writ for the defence of the kingdom, when it was in imminent danger.

"The common safety was to be preferred to our private estate: upon an invasion, it was lawful to erect bulwarks on any man's land, for the defence of the kingdom; and should not a king have power to put our out-works at sea, our naval-walls, in a condition to oppose the enemies landing at our doors: by the king's command, the suburbs of any town might be burnt, or rased: and in 1588 great armies, of 100,000 men and upwards, were raised by the queen's sole authority, and maintained at the sub-

jects' charge; and orders were given, if they could not prevent the enemies landing, to burn the towns, and destroy the corn and all manner of provision that might afford them sustenance. Where was property in that case? There was no possibility of saving private fortunes, if they suffered the kingdom to be lost.

"The king had many prerogatives that affected the subjects property; as digging in any man's house, or lands, for saltpetre and royal mines; and many things were made lawful by necessity, which otherwise were not. It is absurd to talk of observing rules and forms when the kingdom was in danger of being lost; when the keeping the laws would be the ruin of the commonwealth. The king might lay a charge upon the subject for building the walls of a town, because they have the benefit of it in time of danger; and was not the whole kingdom preserved by keeping a navy at sea? It was agreeable to law, that where the people received the benefit they should contribute to the charge; and in lesser matters, such as pontage and paveage, the king might impose, or charge and destrain the *ter' tenents*, to make contribution proportionable to their estates and abilities.

"If there were but rumours of wars, the laws were silent; much more when the king foresees the danger, and declares it. In Queen Elizabeth's reign, greater things were done upon less occasions; ships were taken up, the ports shut, and men raised on the least apprehension of danger. It would be stupid to make no preparations against an enemy till he was actually on our coast; it might then be too late to prevent his landing.

"The making war and peace was a royal prerogative the people had nothing to do with, nor were all dangers fit to be communicated to them: the king best knew the exigency of affairs. It might not be prudent to have the kingdom without a navy, when such great military preparations were making in the neighbouring kingdoms. Dangers ought to be prevented, as well as removed.

"Before the conquest, King Ethelred commanded that every 310 hides of land should find a ship. Danegelt was paid annually before the conquest, for the maintenance of a fleet, as well in peace as war; but afterwards, only in time of war: Danegelt is said to be released by the confessor; because he dreamed he saw the devil dancing upon the Danegelt; but it appears by the black-book to have been resumed, and paid in the conqueror's time; and it was paid also in the reign of Henry II., as appears by the pipe-roll; and, though the name was altered, the thing continued. In King John's time they gave a fourth part of their revenues for the defence of the land. In the 48th of Edw. III. some captains not being able to maintain themselves, the king commanded they should be paid *De Com. Comitat.* 48 Edw. III. M. 2. *de pecunia levand' circa tuitionem maris.*

"It had been said, that the king had a private and a legal will: that he could not act in many cases but by certain rules, and by the mediation of others; and, particularly, that he could not sit in judgment himself, but must administer the laws by his judges: which he denied; for the pleadings in the king's bench were

coram rege. Edw. IV. sat there in a trial of rape; and the famous Judge Popham sat at the king's feet, and other judges on each side of him: and King James actually adjudged those two cases, Bellingham's and Sir Thomas Lake's: nor did the book, cited to prove the contrary, say, the king should not judge, but that, if one was convicted before the judges, the king should not set the fine, because he did not hear the cause.

"It had been urged, that this writ of shipping made a change in the law which could only be altered by act of parliament; but here was no change in the law, it having been the custom of all ages: nor was it any argument, that because the king could do a thing by parliament, he could do it no way else. As to the survey that had been taken of the king's revenues, tenures by knights' service, the profits of wards, reliefs, &c. there was no authority to shew that these were intended for the maintenance of wars; for these were reserved for the constant support of the government, whether in peace or war: nor could these and the service of the cinque-ports be sufficient to defend the nation against an invasion: the whole body of the kingdom must, and ever did, contribute to the defence of it, in which all were concerned: nor was tonnage and poundage ever intended for extraordinary service, but only for the constant guard of the coasts in time of peace. Queen Elizabeth had tonnage and poundage, the service of the cinque-ports, &c. and yet her people gave her subsidies; and she raised both men and money, for the defence of the realm, by her commissions besides.

"It was true, nothing ought to be taken from the subject ordinarily, but in parliament; but that did not prove he was not to contribute to his own defence in cases of imminent danger: it was admitted, indeed, that the king ought to have the direction of the war; but to what purpose was this, if he could command neither men, or money? nor was it a good argument, that the king could not command the aid of his subjects, because he sometimes borrowed money of his subjects; and though it had been said, our kings had maintained armies themselves, it did not follow from thence, that the king could not command his people to attend him, or his lieutenant, as had been the practice of all ages.

"As to the statutes that prohibited the levying money on the people, without consent of parliament, this must be understood of unjust exactions, as appeared by those very statutes, and of ordinary cases; not where the whole kingdom was in danger, as was admitted by the demurrer; and there might be danger foreseen by the king, though no war was actually proclaimed, of which the king was the only judge."

Mr. Holborne, another of Mr. Hampden's counsel, observed on his behalf,

"That upon the 4th of August, 11 Car. I. the day of the date of the writ, the king could not charge the county of Bucks to find a ship at their own charge; for that it did not appear by that writ, that in the king's judgment the kingdom was in danger of being

lost; or, if it did, that the danger was so instant and unavoidable, that it necessarily required this aid, and could not expect a parliamentary consideration; and lastly, that the truth of this could not be legally proved by the king's certificate.

"The writ only mentioned losses of merchants by pirates and sea-robbers; no danger to the kingdom, or people in general, or such instant danger, at least, as to require this command in the writ, even in the king's judgment: there were above two hundred days between the *teste* of the writ, and the rendezvous appointed by it: the summoning a parliament required but forty days; and in the remaining time the parliament might have considered of the defence: the only doubt was occasioned by the mittimus, which recites the writ of the 1st of August, and then adds *Quia salus regni periclitabatur*, which it was said the defendant had confessed by his demurrer: and, if that did not hold, that the king, who was the sole judge of the danger, had certified it under the great seal: that the words *salus regni periclitabatur*, were but relative, and referred only to the dangers mentioned in the first writ; neither could any further clauses be legally added in this, tending to the same end; and, consequently, their demurrer was no confession of any such danger.

"And had the words been positive, the word *salus* was but a metaphorical expression, and the law would not endure metaphors in writs and pleadings: nor did these words import immediate danger of the loss of the kingdom; for applying the word salus to a natural body, the doctor might say, his patient was not in health, and yet he might be in no danger of death; and the same sense it must have in the body politic. The words might imply danger, yet not such a danger as to threaten the immediate loss of the kingdom.

"As to the king's having declared his opinion under the broad-seal, they made no doubt of the king's word. They believed there was a danger, though not so apparent to them; but in legal proceedings, his majesty's opinion and certificate in things of fact, were not binding: but what he chiefly relied on was, that though it did not appear by the mittimus that on the 4th of August the kingdom was in danger of being lost, that was not sufficient in law, nor could their demurrer hurt them; because this did not appear in the writ of the 4th of August itself; for how could the subject know by the writ of the 4th of August, what dangers would be declared afterwards? and, admitting the king had said, the kingdom was in such instant danger of being lost, and that it could not be prevented any other way; yet, if the contrary appeared in the record, then neither was the demurrer, or confession, or the king's certificate, conclusive; every consideration but those of protecting the merchants from pirates and robbers, and the ordinary defence of the sea, must be thrown out, because they were not contained in the first writ; he said, he thought he might, without further argument, venture his client's cause upon this; and he should be glad if the case might receive a determination on the penning of the writ; he was willing to decline the main question out of duty to his majesty, viz. whether, by the fundemental policy

of England, the king could charge the subject, out of parliament, for the common good, or for the necessary defence of the realm, if in his majesty's judgment the danger was instant and unavoidable?"

To which the lord-chief-justice, answering, "They did not use to judge of cases by fractions," Mr. Holborne, proceeded, and said,

"Since it was their command he should go on, he hoped his majesty would excuse them for arguing what could not else be determined, protesting, both for himself and his client, that when they mentioned how far a governor, subject to error and will, might use regal power, they acknowledged their present happiness in being blessed with so just a prince that, where his majesty immortal, as he deserved, and they were sure his successors would inherit his virtues, they should wish the regal power might be unlimited, and free from political advice.

"Then he proceeded to enquire, whether the king could, out of parliament, charge the subject either for the guard of the sea, or the defence of the kingdom, though he judges it in danger of being lost. As to the distinction of dangers, ordinary and extraordinary, there was no great matter in it, he thought; for, if the king was judge of that danger, then he had no restraint but his own will.

"He acknowledged, indeed, that property must yield to necessity; and in cases of actual invasion, and instant danger, it was not only in the power of the king, but of a subject, to enter upon another's property; he may make bulwarks, or do any act upon any man's land, and invade any man's property towards defence; nay, he might prejudice the king himself in point of property; he might take the king's horses, and blow up his fortresses, to prevent their falling into the enemies hands; but then there must be actual and apparent danger.

"He knew it was held as a maxim, that the king could do no wrong; and that, therefore, the law had reposed this trust in him, of charging the subject; but he could shew where the law took notice the king might do amiss; the king had a double capacity, as a king and as a man; and to say, as a man, he could not err, was strange; he was liable to infirmities and mistakes like other men; and, lest such infirmities should injure the body politic, the law had provided means to prevent it; as the writ of *ad quod damnum*, if any dammage accrued to the subject by the king's grant, the patent was naught; and though the king might grant pontage, pavage, and murage, yet, he could not grant them where there was no occasion, or a sum that exceeded the benefit the subject was to receive by them; there were other judges of the justness of the proportion, besides the king, when a patent came to be questioned; and, if the law did not allow the king an absolute power in such trifles, it was not to be supposed he should have it in matters of this importance; and that there should be no judge but himself of the occasion or proportion.

" William the Conqueror granted, that all men should hold their lands freed from all unjust exaction, or tallage; nothing was to be demanded but by tenure, and such grants were as binding as statutes now, and, if all taxes were discharged, except those arising by tenure, consequently the subject was liable to no other, the exception explained the rule; he insisted also, that the charter of King John, *Magna Charta*, and the other statues made in confirmation of it, extended to all manner of taxes and charges, except those arising from tenure; that those laws prohibited the laying any taxes on the people, without consent of parliament; and, if this was against law, it was no matter what the practice had been. They must reduce precedents to laws, and not laws to precedents; and, notwithstanding the practice, the subject made a continual claim against them.

" Danegelt, he supposed, was begun in the time of the Saxons, by common consent, and raised but upon emergent occasions, and not intended as a provision for all times; he acknowledged it was continued by some Danish kings; but that it was generally decried by the people, and, at length, relinquished by the confessor; that the conqueror, indeed, resumed it, but the people made terms with several of his successors for laying it down, and the charter of King John put an end to it. From whence he inferred, that though there were such a practice, under pretence of defending the sea, the people decrying it, it was not such a practice as could create a law. When Danegelt was laid down, he acknowledged there was a charge for providing shipping in the room of it; but this too was generally decried, and by the statute *De Tallagio non concedendo*, 25 Edw. I. an end also was put to that; and, in the 29th of the same reign, the king contracted for ships at his own charges.

" Then he proceeded to shew, that whatever estate the king had, he had it in his politic capacity, and was obliged, both in ordinary and extraordinary cases, for that reason, to bear the charges of the defence of the kingdom; and upon this ground all acts of resumption were founded; and the ancient lands of the crown were not alienable. When all the lands were in the king, he disposed of some for the service of the kingdom, from whence tenures originally arose; and divers lands were given on condition of finding ships, besides those given to the cinque-ports; and though it had been said, these were not sufficient for the defence of the kingdom, in case of a foreign invasion, it appeared by Doomsday-book, that the king had a great navy, and no less then sixty thousand knights' fees in the conqueror's time, so that there was provision made for defence in the institution of our government, and particularly for the guard of the sea; the king also had the old customs, tonnage and poundage, &c. for this end.

" And though all property must submit to necessity, yet a distant danger will not authorize a man to invade another's property. If Queen Elizabeth did in the year 1588 command the burning the corn, and other provisions, if the enemy landed; he thought she could not lawfully command them to burn their corn before

the enemy landed. The king might command burning the suburbs of a town, to prevent an enemy's posting himself in them; but if there was only a fear of a war, the king could not command it. All positive laws must cease in time of extreme danger; but whether all laws relating to our persons and properties ceased when the danger was but conceived, he submitted to their lordships.

"But admitting the king could command his subjects to find ships; whether he could give a power to the sheriff to make an assessment, as the writ directed, was a question? in all politic charges, the law provided they should be equal, as in the case of subsidies and fifteenths; and in Danegelt they taxed by hides; but how the sheriff should have knowledge to charge all men's estates equally, he was at a loss to conceive. If the law entrusted the king with this power, it did not entrust the sheriff and under-sheriff; assessments were usually laid by others, and not by the sheriffs. If a hundred was charged, they had ways of laying it on themselves proportionably; and if such a levy was made, it was a question whether the money could be brought into the exchequer by *scire facias?* he believed this was the first writ that ever was of the kind: it not only gave a power of levying the money, but prescribed the way; by imposition, by distress, and sale. He knew no case could match it."

Sir John Banks, the attorney-general, replied to Mr. Holborne, the defendant's counsel:

"And first he laid down this position; that the king, as he was king of England, *pro defensione regni, tuitione maris, &c.* when in his judgment he conceived it a time of such danger as necessarily required the aid commanded in this writ, might command and compel his subjects, *per totam Angliam,* to set forth ships, with men and ammunition, and double skippage, as well by his writ under the great seal, as by consent of parliament; and held, that this power was not derived from the people, but reserved to the king, when positive laws first began. The regal power was not confined to the politic advice of parliament; he might exercise it without consent of parliament, and even when parliaments were sitting, as his ancestors had ever done.

"The Romans governed this island five hundred years, by their prefects, without controul; the Saxon kings succeeded them; and it appeared from antient grants and edicts, that the naval power was commanded by those princes for the defence of the realm.

"King Edgar, who began his reign in the year 959, sent out a navy of 3600 ships, and commanded, that every year, at Easter, a fleet of 3000 ships should be equipped for the sea-service.—King Ethelred, in the year 1008, fitted out a royal fleet, commanding every 310 hides of land to find a ship, and every eight hides to find a man, to rendezvous at Sandwich, and oppose the Danes; at which rate there must be assembled 11,000 ships and

45,000 soldiers and upwards; and this was done by the king's sole command, *per totam Angliam*; and, in the 36th year of his reign, he commanded a fleet to be ready every year at Easter, under a certain pain. King Canutus, the Dane, also commanded a naval armament yearly, and this was done by the advice of the lords; and if these were to be deemed acts of parliament, or laws, they were confirmed by William the Conqueror. He held, the King of England was an absolute monarch; nothing could be ascribed to a king, but what was inherent in his person, as appeared both by our records and acts of parliament, and the mirror that was written before and at the conquest, declares, that the king had the supreme dominion by sea and land, and the very soil of the sea belonged to him when the waters left it.

"As the law had entrusted the king with war and peace, no private subject ought to distrust him, and insinuate that he would cause forces to be mustered, and ships to be provided, where there was no imminent danger; he was the sole judge, and ought not to be questioned; he had no superior, but God, according to Bracton.

"It had been objected, indeed, that there must be a concurrent power, a politic advice in parliament; but kings were before parliaments, and might *statuere* without the aid of parliament. There was a time when no municipal laws were established, but kings governed by natural equity; and since there were positive laws in England, it was evident from the records that they had prescribed the time for issuing these writs, the number of ships, the time of rendezvous, and how long they should remain upon the sea for the common defence. The king, at this day, could impower a corporation to make laws for their good; and it was strange he should not have that power in himself for the general welfare of the kingdom.

"The kings of England had at all times commanded what was necessary for the common defence; as the walling of towns, of which the precedents were numberless. He also laid embargoes on shipping, for the defence of the realm; and in all ages made ordinances relating to the royal navy, by himself, by his council, and by the advice of the peers; and such ordinances had been obeyed, even while parliaments were sitting, and granted other supplies for the war; which was a strong argument that the king needed not the aid of parliament to command his forces and in the 13th of Edw. III. when the king condescended to ask the advice of the commons for the guard of the sea, the commons declared they had nothing to do with it; they had no cognizance of it.

"He said, he had collected five hundred precedents, whereby it would appear to the court that these writs had been issued by the king's mandate, without the advice of parliament; and should not these precedents, some of them before William I. and continuing for so many hundred years, obtain the force of a law, though they had been discontinued since the 50th of Edw. III. as Mr. Holborne affirmed, and in which it appeared he was mistaken,

there being great numbers of ships commanded into the service, in like manner, in the reign of Hen. VI. And, though these writs had sometimes been petitioned against, it appeared that the service nevertheless went forward; and the answer the king gave to them *lē Roy s' avisera* was always the answer given when he refused a bill. It appeared the service had always been done, the mariners wages paid by the county, and that some men had particular discharges; for that they were in the king's service, or that they lived near the sea-coasts, 23 Edw. III. M. 14.

"That these writs were issued not only in time of actual war, or on an invasion, but when the king conceived danger might ensue, Rot. Claus. 48 Hen. III. M. 2. It appears in the reign of Edward III. that the king, hearing the French had an intention to invade the realm, sent out his orders to provide ships: the words used in those writs were *Ut audivimus: ut intelleximus: quia vulgaris opinio regnum nostrum Angl æ invadere;* therefore he commanded a fleet to be fitted out to sea, and forces to be levied by land: and here he produced precedents, shewing these writs had been issued at the same time supplies were given in parliament for the war, and that this service was required of the inland as well as of the maritime counties, and observed, that the rule in law was, that every one who received a benefit must afford contribution.

"Then he produced precedents to shew that these writs had been issued where no cause had been declared, no manifest danger expressed, or against what enemy the armament was intended, as Rot. Pat. 13 Hen. III. M. 5. a writ commanding the sheriffs of Kent and Essex to take up all ships in those counties, to be ready at Portsmouth, to go upon such service as we shall command. So in the reigns of Edw. I. Edw. II. Edw. III. and Hen. VI. writs were issued for fitting out ships, and the service concealed; nor was it always proper to divulge the reasons of warlike preparations: and yet this was the great objection made to the writ of the 4th of August, that the king had not declared sufficient cause for issuing it: he had not acquainted the counsel at the bar, with what was not fit to be communicated even to the privy-council, but reserved to the council of war: but, had there been fewer reasons given, it had been more agreeable to former writs; and, notwithstanding what had been said to the contrary, the same power of assessment had been granted by them, and sometimes levies made by distress and imprisonment, nay, by the seizure of lands and goods, and the charge laid on the inland towns as well as the maritime. Rot. Scot. 8 Edw. II. M. 9. *de navigio providend, &c.* That these writs had been directed also to sheriffs as well as to commissioners; and the lands of sheriffs had been extended for their negligence in executing these writs; and they had been commanded to levy the money by distress and imprisonment of those that refused.

"As to the objection that a parliament might have been called time enough to have raised supplies in the ordinary way, it was known their proceedings were very slow, and they might have

disappointed the king; and the time of preparation, and continuance of the service, was ever left to the king. It appeared, by the council-books, that the preparations were made against the Spanish invasion in October, 1687, and their fleet did not set sail from Spain till June, 1688. Nor did the queen think fit to call a parliament in all this time; but, by an order of council, she commanded a royal fleet to be fitted out at the charge of the subject: from whence it appeared, that there was not any particular contained in this writ, but what was warranted by precedents, and that in a much higher degree. And here he produced several more precedents, to shew that such defence by shipping had been required, not only of the maritime places, but *per totam Angliam*.'

The judges then proceeded to deliver their judgments in the case: the first of whom, Sir Francis Weston, one of the barons of the exchequer, said:—

"He conceived there was sufficient matter to charge Mr Hampden with the twenty shillings assessed on him; and therefore he gave his judgment for the king. There was a rule in law," he observed, "that if a man demurs generally to a writ, he confesses all the matters of fact that are alleged: so that all the dangers alleged in the writ were confessed by the demurrer of the defendant; and though it was objected, that the allegations in the writ of the 4th of August only were confessed, the demurrer said, that the writ, with the rest of the proceedings and schedules, did not contain matter sufficient; so that they were to give judgment on the whole: and the writ of mittimus said, *Salus Regni periclitabatur*. It had been objected, indeed, that *salus* signified health, but it signified safety also; and, though it was said the danger was not fully set forth in the writ of the 4th of August, he answered, it might not always be proper to divulge what danger the nation was in: but in the writ of the 4th of August, there was not only a danger from pirates mentioned, but that the dominion of the sea was in danger of being lost; and that there were great dangers apprehended from the nations that were at war round about us; and they ought to believe this, if there was no other reason for it, but that the king declared it: but it was evident to all men, that the kingdom had actually been in danger for three or four years last past, from the great fleets that had been fitted out, and the land-forces that had been raised by the neighbouring nations; and had we not had a good fleet at sea, we must have been exposed to their insults and invasions.

"It had been objected, that the money thus raised for shipping might be applied to other uses: but there was no ground for such a suggestion; nothing was said of any money to be paid to the king, but the sheriff was to rate the county *secundum facultates*, towards providing a ship.

"And whereas it is said, the party was to be imprisoned, and his goods taken away; he answered, the *scire facias* was not to shew cause why he should not be imprisoned, or his goods sold; but, why he should not be charged with the money assessed upon him.

"It was urged, that the defence of the kingdom lay upon the king; because he had knight's service, escuage, and other services, to enable him to do it: but these were tenures reserved on several grants made by the king; and he was no more bound to defend the kingdom on this account, than his subjects, who had the like tenures: and, as to the service of the ports, every one knew that this was not a sufficient defence for the kingdom at this day; and he cited abundance of writs that had been issued for the defence of the sea. Then he observed, that, of the fifty-two counties of England and Wales, thirty-three were maritime counties, and the inland but nineteen, whose contributions did not amount to above a fourth part of the charge; so that the cause was not of that consequence as was imagined: indeed, the maritime places received the greatest benefit by the sea, and were better prepared against sudden invasions; and therefore writs, for the most part, issued to the maritime places: but, as the inland counties also received protection from this defence, they ought to contribute towards it when there was occasion, as it appeared they had actually done. Claus. 48. Hen. III. M. 2. A writ was directed to the mayor and bailiffs of Bedford, to raise horse and foot, and march to the sea-coasts, to oppose an invasion. Rot. 26. Edw. I. M. 5. writs were directed to the sheriffs of Hertford, Essex, Nottingham, Derby, Huntingdon, Cambridge, &c. *pro custodia maritima.*

"He did not think the aid demanded by this writ was within the meaning of the statute *de tallagio non concedendo;* for, by the words, no aid, it was agreed, that the aid for marrying the king's daughter, or making his son a knight, was not meant; and if, by no tallage, it had been intended the king should demand no money, then all fines, amercements, and all lawful impositions due to the king, were taken away; and, therefore, this could not be the meaning of it: he conceived it was meant only to take away all taxes and tallages that were unlawful.

"The strongest statute that had been cited was, 14 Edw. III. which said, that the subject should not be taxed without a parliament, for the defence of the kingdom; but then, they did not shew by any act, that the king was to be charged with the defence of the kingdom; but, supposing the act to be as strong as they would have it, in the case of a sudden invasion, which the king was unable to resist without the aid of his subjects, must they not give way to necessity, and assist him, rather than the kingdom should be lost? and, if they admitted that acts of parliament must give way to necessity, it was all that was contended for.

"The king was no more obliged to call a parliament, than Queen Elizabeth was, in the greatest danger in 1688, or on the rebellion in the north: she raised forces by sea and land, at the subjects' charge, when there was but a rumour of the Spaniards' intention to invade the kingdom, and it was never complained of by the ensuing parliament; on the contrary, they raised money to repay what she had expended, or borrowed; and the same acts of parliament were then in force as were now. It was objected, indeed, that the king might pretend danger where there was none;

but, if this power was in the king, it was not to be taken away because he might misemploy it: if the sums raised had been misapplied, there might have been some colour for a complaint; but the money was expressly for a ship; and if they would have taken any advantage of that, they should have pleaded it. There did not appear any money to be coming into his majesty's hands: nay, the writ expressly said, that no part of the money should be converted to any other use but that of building a ship.

"He thought the sheriff a very proper person, also, to assess the county, as being best acquainted with it; and a *scire facias* might very properly issue for it: a writ was sent to the mayor and bailiffs of Oxford, to repair the walls and ditches of that town; and the subjects taxed for that end, notwithstanding those acts which declared that the subject should not be taxed for defence, without a parliament; and with much greater reason ought the subject to be charged towards the repair of the wooden walls of the kingdom: there was no act for taking this charge by writ away: it was a general custom; and general customs made the common law of England: they must try new causes by the old laws, and do as they had done in former times: he was persuaded, in his conscience, there was immediate danger; and there was a necessity this danger should be prevented. He conceived the proceedings were legal; and that there was sufficient cause to charge the defendant with the twenty shillings assessed on him; and that he ought to pay it.

Sir Francis Crawley, one of the justices of the court of common-pleas, next gave his judgment as follows:

"He admitted, that, in ordinary cases, the charge of defending the realm belonged to the king: he had the customs for the protection of the trade of the nations against pirates and enemies; and, in extraordinary cases, the charge of the defence ought regularly to be supplied by parliament, and could not be done without it. The same law which required the king to defend his people, required the subjects to grant him aids towards that defence. The statute *De tallagio non concedendo*, no doubt, was a statute, and the words were *nullum tallagium sine assensu parliamenti;* and in 14 Edw. III. the king declares, he will impose no charge, or aid, on the subject, but in parliament: but still, if necessity, and the danger of the Commonwealth required it, and would not admit of calling a parliament, the king might lay a charge without their consent; and the whole island being concerned by the event, the charge ought to be borne in the inland counties, as well as by those that were more immediately exposed: there were several precedents where writs had gone to the inland counties, for the guard of the sea, Claus. 48 Hen. III. 24 Edw. I. 26 Edw. III. Writs into Berks, Oxon, &c.

"The kingdom had been conquered four times: it concerned the king, the head of the commonwealth, to be circumspect: even conjectures and probabilities were to be regarded. If there was a violent presumption, that some potent neighbour was preparing

to invade us, was it not fit we should instantly prepare for our defence? And there might be just reasons of state, why these things should not be revealed in parliament, and so communicated to the enemy; and the king might, in such cases, *jure gentium*, charge the subject without his consent in parliament.

"As to the statutes of the 25th of Edw. I. 14 Edw. III. and the Petition of Rights, 3 Car. I. he answered, that if there were an express statute, that the king should not have aid of his subjects, but in parliament, were the kingdom in never so much danger, it would be a void act; because it was manifestly unreasonable: to follow the letter of the law, in some cases, would be the highest injustice and folly; the laws of God and reason were an implied exception, and understood in every general law.

"This right of imposition without parliament, appertained originally to the king, as he was a sovereign, in right of his crown: they could not have a king without these royal rights: no, not by act of parliament.

"And although the word salus in the mittimus was said to be a metaphorical word, he held it to be certain enough: for, in the writ of Oyer and Terminer, the words were *Omnes qui habent damnum vel salvationem.* But he was of opinion that the writ of the 4th of August, without this, contained sufficient matter for this great preparation; for it said, 'lest we lose the dominion of the sea; and was not that a good reason to prevent other powers becoming masters of the sea? It was said also, *Consideratis etiam periculis, &c.* considering the danger is so evident and great in these warlike times, that a force is necessary by sea and land: they had also, by their demurrer, confessed the danger; and that it was present, imminent, and instant, and greater than the king, without the aid of his subjects, could resist; and, consequently, that it was dangerous attending the delays of parliament: he exhorted the subject, therefore, to rely on their pious king, whose prerogative and right of sovereignty it was to defend the realm; and gave judgment for his majesty."

Sir George Vernon, one of the justices of the common-pleas, contented himself with giving his judgment, without offering his reasons for it. He said:—

"He held, that the king, for the public good, might charge his subjects for the defence of the kingdom; and, that a statute, derogatory to this prerogative, would not bind the king: he might, in cases of necessity, dispense with any law, and, therefore, concluded that Mr. Hampden ought to be charged with the twenty shillings assessed on him."

Sir Thomas Trevor, one of the barons of the exchequer, gave his judgment against the defendant.

Sir George Crooke, one of the justices of the king's-bench, Sir Richard Hutton, of the common-pleas, Sir Humphrey Davenport, lord-chief-baron of the exche-

quer, and Sir John Finch, lord-chief-justice of the common-pleas, then argued on the merits of the case, at considerable length.

Sir John Bramston, lord-chief-justice of the king's-bench, in delivering his opinion, said:

"He conceived, whenever the whole kingdom was in danger, his majesty might command all his subjects to join with him in defence of it: that the acts of parliament which had been cited were but declaratory of the common law. By the 1st Edw. III. cap. 5. indeed, it was said, that none should be compelled to go out of their counties, except in cases of invasion and necessity, and then it should be done as in times past; therefore, what the usage was in times past, was the question; and it appeared by the precedents, where they marched at the king's charge, it was to a foreign war, or to the ordinary defence; and there was no doubt but in such cases the king had paid the charge; but he was still of opinion, that, in cases of necessity, the subject might be compelled to serve out of the county at his own charges. That it appeared, from Fitz. Nat. Br. 28, and in Calvin's case, that the king might command his subjects, on their allegiance, to go with him, or in his service, to the wars, as well without the realm as within. The 7th of Hen. IV. says, that none shall attend the king in his wars out of the realm without wages; but in the realm they were at his command, in times of common danger, without wages, as appeared by a multitude of precedents, which explained the statutes of Edw. III., particularly the Abbot of Robertsbridge's case was conclusive. And 10 Edward III. m. 2. fol. 18. the king commanded by his writ an hundred men to be sent to Portsmouth; and they refusing to march without pay, the king answered, No wages were due; it was a public danger.

"As to that objection, that there were no precedents of the subjects serving out of the realm; he answered, The sea and land were but one kingdom; and if formerly the seamen were content to defend the coasts by sea, in consideration the inland counties took upon them the charge of the land-service, he knew no reason, why they might not be obliged to bear the public charge together, in cases of necessity. Mr. Selden had observed, in his *Mare clausum*, that it was the ancient usage, to charge both the inland and maritime counties on any great emergency; and Sir Edward Coke admitted, That it could never be the meaning of the great charter, to take away the king's prerogative, and exempt the subject from the charge of defence; and as to that objection, that a parliament might have been called, it had been well answered, that a timely preparation must be made, when danger threatened; it might be too late when the enemy was at our doors: the king was judge of the danger, and the subject was bound, on his allegiance, to assist him in any public danger.

"The danger, he acknowledged, must be expressed in the writ, and he conceived it was sufficiently expressed; the words being *pro defensione regni, et tuitione maris, &c.* Had it been only a danger

from pirates, an ordinary danger; then indeed the defence ought to have been at the king's charge. As to the writs, the only exception he had to them was, that it did not appear, neither in the one, or the other, to whom the money was to be paid; there was no precedent where judgment had been given, and not said to whom. He inclined therefore to believe, that this was a good exception; but in all other points he agreed with the majority of the bench."

In the next June, viz. in Trinity Term, the following judgment, against Mr. Hampden, was given in the Exchequer on the motion of the attorney-general, viz.

"*Quod seperal' brevia prædict' et retorna eorundem, ac schedul' prædict' eisdem annexat' ac materia in eisdem content' sufficient' in lege existant' ad præfat' Johannem Hampden de predict. viginť solid' super ipsum in forma et ex causa predict' assessat' onerand' ideo consideratum est per eosdem Barones, quod prædict' Johannis Hampden de eisdem viginti solid' oneretur, et inde satisfaciet, &c.*"

In the parliament, assembled on the 13th of April, 1640, Mr. Waller moved, in the House of Commons, to have this judgment reversed, and the judges punished for pronouncing it. He was not for entering on the supply, till this and their other grievances were redressed: he said it was necessary they should be restored to the property of their goods (which he apprehended was taken from them by this judgment) before they could have any thing to give. If the king could tax them at pleasure, all they had was the king's already: adding, that their liberties were no less affected than their fortunes, by this judgment; since the king was thereby empowered to imprison their persons for non-payment of this tax: concluding with a motion that the house might first consider the restoring the nation to its fundamental and vital liberties, the property of their goods, and freedom of their persons, and then enter upon the supply: but, this parliament sitting but a few days, nothing was done in the affair.

Lord Falkland, in the parliament assembled in the November following, moved that the judges be again called to account; observing, that as they had allowed the king the sole power in necessity, and the sole judgment of necessity, they had enabled him to take from them what he would, when he would, and how he would, and consequently left them neither liberties nor properties; and thus, by the transformation of them from the

state of free subjects to that of villains, disabled them, by legal and voluntary supplies, to express their affections to his majesty: they must, therefore, think of taking away this judgment and these judges together, and of regulating their successors by their exemplary punishment.

After many debates and invectives against the judges, for giving this judgment in the case of Mr. Hampden, the House of Commons resolved, on the 7th of December, that the charge imposed on the subjects, for providing and furnishing ships, and the assessments for raising money for that purpose, commonly called ship-money, were against the laws of the realm, the subject's right of property, and contrary to former resolutions in parliament, and to the petition of right. 2. That the extra-judicial opinions of the judges, in the case of ship money, were against law; the liberty and property of the subject; contrary to former resolutions in parliament; and to the petition of right. 3. That the writs, called ship-writs, were against law, liberty, and property, &c. and 4. That the judgment against Mr. Hampden, in the matter and substance thereof, and the act of making Mr. Hampden chargeable, was against law, liberty, and property.

These resolutions were communicated by the commons to the lords, at a conference, by Mr. St. John, who made a very long speech upon the occasion, containing the substance of the preceding arguments.

Mr. Hyde (afterwards lord-chancellor) made a speech against ship-money and ship-writs, on the articles of impeachment against Sir Robert Berkley, one of the justices of the king's-bench; wherein he tells their lordships, that the judges first began with countenancing impositions and taxes on the merchants in trade, and, by burthens and pressures on the gentry, in case of knighthood, before they arrived at that universal destruction of the kingdom, by ship-money, which promised them rewards and security for all their former services. By doing the work of a parliament, in granting his majesty supplies, they thought they should never more be called to account by parliaments, which they had thus rendered useless, and might now share the spoils of their fellow-subjects with impunity.

The commons, therefore, hoped their lordships would speedily call these judges before them, to answer the articles laid to their charge, and do justice on them, according to their demerits.

These judges were impeached for high-treason, and other misdemeanors: when the substance of the articles preferred against Sir Robert Berkley was as follows:—

1. "That the said Sir Robert Berkley, being one of the justices of the king's-bench, had traitorously endeavoured to subvert the fundamental laws and established government, and to establish an arbitrary tyrannical government, as he had manifested by wicked words, opinions, judgments, practices, and actions, mentioned in the following articles.

2. "That, whereas by the statute of 25 Hen. VIII. victuals were appointed to be rated, he had delivered his opinion, that corn was such victual as was intended to have a price set upon it, contrary to the plain meaning of the said statute, with an intent to lay an unlawful charge on the subject.

3. "That an information being preferred in the star-chamber, against John Overman, and fifteen other soap-makers, for exercising their trade contrary to a patent, granted for the sole making of soap, and their answer being referred to him, and others, he certified to the star-chamber, that the whole answer, except four words, and the ten last lines, ought to be expunged: and the interrogatories and depositions, on the behalf of the defendants, being also referred to him and others, he certified, that thirty-nine of them ought to be suppressed: which certificates were contrary to law; and, by reason thereof, the said John Overman, and the fifteen other defendants, were sentenced by the star-chamber to be committed to the Fleet; disabled from using their trade; one of them fined 1500*l.*, two of them 1000*l.* a-piece, and four of them 1000 marks a-piece, to the utter ruin of the defendants, and to the overthrow of the free-trade and liberty of the subject.

4. and 5. "That, being one of the justices of the king's-bench, and sworn to administer justice according to law, he had subscribed the said opinion, declaring the lawfulness of levying ship-money.

6. "That he had delivered his opinion against John Hampden, Esq. in the case of ship-money, in the exchequer-chamber.

7. "That he declared at the assizes held at York, in Lent, 1636, that it was lawful, and an inseparable flower of the crown, for the king to command, not only the maritime counties, but also those that were inland, to find ships for the defence of the kingdom; and, that this was the opinion of all the judges: and, whereas, there was a rumour, that some of them subscribed against their judgment, when he said, it was a base and unworthy thing, for any man to give his hand contrary to his heart; wishing, for his own part, that his hand might rot from his arm, that was guilty of such a crime: notwithstanding, he knew that Mr. Justice Hutton, and

Mr. Justice Crooke, who had subscribed, were of a contrary opinion, and subscribed but in conformity to the majority. And he, the said Sir Robert Berkley, then also said, that, in some cases, the judges were above an act of parliament; with an intent to countenance the said unjust opinions, and terrify those who should refuse to pay ship-money, or seek any remedy at law against the said unjust and illegal taxation.

8. "That Richard Chambers, merchant, bringing an action against Sir Edward Bromfield, lord-mayor of London, for imprisoning the said Chambers, on his refusal to pay ship-money: upon a debate of the said case, in the court of king's-bench, the said Sir Robert Berkley said, that there was a rule of law, and a rule of government; and that many things which might not be done by the rule of law, might be done by the rule of government; and would not suffer the legality of ship-money to be argued. All which opinions, declarations, and speeches, were destructive of the fundamental laws; the subjects' right of property; and contrary to former resolutions of parliament, and the petition of right.

9. "That the said Sir Robert Berkley, being justice of peace for the county of Hertford, did, at the quarter-sessions there, revile and threaten the grand-jury for presenting the removal of the communion-table, in All-Saint's church, in Hertford, out of the place where it antiently stood, and setting it altar-wise, as an innovation; and that he committed Browne, one of the most active of the said grand-jury, to prison for one night, declaring, that they had nothing to do to meddle with church-matters; and compelled the grand-jury to say, they were sorry for what they had done; causing them to tear the said presentment in pieces, and trample it under their feet: and, by his threatening, reviling speeches, and unjust actions, he so terrified the jurors in those parts, that they durst not present any innovations in church-matters; and whereas, Ingram and Carter indicted Matthew Brook, parson of Yarmouth, for refusing to administer the sacrament to them, because they would not receive tickets with their names in them; the said Sir Robert Berkley discouraged the prosecutor's counsel at the assizes, and over-ruled the matter of law, so that the jury found for the said Brook; bound the said Ingram to his good behaviour, for prosecuting the said indictments, and ordered him to pay costs; and Carter, being absent, he caused a vacat' to be entered, and an attachment against the said Carter, which said proceedings were contrary to law.

10. "That he refused to bail Alexander Jennings, and several others, who were committed for not paying ship-money; and, also, refused to bail William Pargiter, who was committed for refusing to pay five shillings, assessed on him by a commission of array, issued when the Scots entered England: that he had denied writs of Habeas Corpus to some; and delayed them, when they were demanded by others; and refused to bail several, though no cause appeared on the return to hinder it: which things were destructive to the laws of this realm, contrary to former resolutions of parliament, and to the petition of right.

11. "That he had refused to grant prohibitions to the ecclesiastical courts, where he ought to have granted them by law."

On the 20th of January, 164$\frac{0}{1}$, the lords resolved, that the ship-writs, and the judges' opinions on them, were contrary to the laws and statutes of the realm, and to the rights and properties of the subject, and to former judgments of parliament; and, on the 26th of February, they agreed, the said judgment given in the exchequer-chamber, against Mr. Hampden, should be vacated.

An act was also passed the same session, declaring, that the charge imposed on the subject for providing and furnishing ships, commonly called ship-money, and the extrajudicial opinions of the justices and barons, and the writs, and the opinions of the greater part of the justices and barons, and the judgment given against John Hampden, Esq. for the payment of ship money, were contrary to, and against the laws and statutes of the realm; the right of property; the liberty of the subjects; former resolutions of parliament; and the petition of right made in the third year of the king.

And that all and every the records and remembrances of the said judgment, against the said John Hampden, and all and every of the proceedings whatsoever, upon, or by colour of, any of the said ship-writs, should be adjudged utterly void: and that all and every of the said judgment, enrolment, entries, proceedings, and dependants, of what kind soever, should be vacated and cancelled.

Articles of impeachment were carried up also against six more of the judges. Those against judge Crawley particularly, by Mr. Waller, on the 6th of July, 1641, in which he was charged with the extrajudicial opinions above specified, and declaring, in his circuit, that ship-money was so inherent a right in the crown, that it was not in the power of the parliament to take it away.

JOHN BASTWICK, M.D. HENRY BURTON, CLERK, AND WILLIAM PRYNNE, ESQ.

FOR SEDITIOUS LIBELS, IN THE COURT OF STAR-CHAMBER, 14TH JUNE, 1637.

THE information exhibited by the attorney-general preferred a charge against the said Bastwick, Burton, and Prynne, for writing and publishing seditious and schismatical books against the government, in church and state.

These gentlemen drew up their respective answers to the several informations preferred against them; but they were found to be such flagrant libels on the government, that their counsel would not sign them. Mr. Prynne now pressed, that he might sign his answer himself; but was ordered to put in an answer that was less offensive than the libels for which he was prosecuted. Prynne, and the other two, refusing to put in any other answers than such as were replenished with sedition and calumny, the several informations, or charges, were ordered to be taken *pro confesso*, and the following sentence pronounced upon the prisoners. Prynne was condemned to be set in the pillory in Palace-yard; to lose the remainder of his ears; to be branded with a hot iron in each cheek; to pay a fine of 5000*l.* and to be imprisoned in Caernarvon castle. Bastwick and Burton were ordered also to be set in the pillory, in Palace-yard; to lose their ears; to pay a fine of 5000*l.* each, and to be imprisoned in the castles of Launceston and Lancaster.

Archbishop Laud would not be concerned in the sentence, because, he said, it might look like revenge in him, these libels being levelled against his grace personally, as well as against episcopacy, and the ecclesiastical government.

The tendency of the archbishop's speech, after the sentence, was to shew, that notwithstanding the prisoners, and other disaffected people, clamoured against innovations in religion, they, and their adherents, were the grand innovators; endeavouring to subvert and destroy the church of England, established by statute law,

and that they were perpetually inciting the people to take up arms, and break out into rebellion against the government, in order to compel his majesty to enter into their measures.

The prisoners were set in the pillory, their ears being cut off, &c. in pursuance of their sentence, on the 30th of June, 1637. Prynne was confined in Caernarvon castle, in Wales; and Bastwick and Burton in the castles of Launceston and Lancaster: but, on the 27th of August following, by an order of council, Bastwick was removed to the Isle of Scilly; Burton to the Isle of Guernsey; and Prynne to a castle in the Isle of Jersey, with orders that none should have access to them, without leave of the governors of the respective places where they should be confined: and that they should not be allowed pen, ink, or paper, or any books reflecting on the established church: that all letters and parcels directed to them should be opened, and that the wives of Bastwick and Burton should not be permitted to reside in the islands where they were respectively confined. The prisoners remained in the respective islands, to which they were severally sent, until they were set at liberty by parliament, in the year 1641, when they were brought back to London in triumph.

Prynne had already been punished for writing a libel, called Histrio-mastix, reflecting on the king and the court, for which he remained a prisoner, and still continued libelling the government, till he was brought before the court of star-chamber again, for these repeated acts of sedition. Bastwick, the physician, was prosecuted chiefly for writing against the high-commission-court; and Burton, the clergyman, for making it the constant drift of his sermons and conversation, to traduce the king and government, but more particularly the bishops and the ecclesiastical state.

JOHN LILBURN AND JOHN WHARTON,

FOR PRINTING AND PUBLISHING SEDITIOUS BOOKS, IN THE STAR-CHAMBER. 1637.*

JOHN LILBURN † was descended from an ancient family in the county of Durham, where his father, Richard Lilburn, possessed a handsome estate. He was designed for trade, and put apprentice, at twelve years of age, to a wholesale-clothier in London.

In 1636, being introduced by the teacher of his congregation, to Dr. Bastwick, then a star-chamber prisoner in the Gate-house for sedition, Bastwick easily prevailed with him to carry a piece he had lately written against the bishops, to Holland, and get it printed there. Lilburn returned to England in a few months with the pamphlet Bastwick's "Merry Liturgy," as it was called, and a cargo of other pieces of a similar kind. These he dispersed with much privacy, until, being betrayed by his associate, he was apprehended; and, after examination before the council-board and high-commission court, to whose rules he refused to conform, underwent the following trial, as related by himself.

BEFORE the Lord Archbishop of Canterbury; the Lord-Keeper, Lord Coventry; the Lord Treasurer, Bishop of London; the Lord Privy-Seal, Earl of Manchester; the Earl-Marshal, Earl of Arundel; the Earl of Salisbury; the Earl of Dorset; Lord Cottington; Lord Newburgh; Lord Chief-Justice Bramston; Sir Henry Vane; Mr. Secretary Cooke; Mr. Secretary Windebank; Judge Jones, and others.

Upon Tuesday, the 11th or 12th Dec. 1637, I was treacherously and Judasly betrayed (by one that I supposed to be my friend) into the hands of the pursuivant, with four of his assist-

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* We give as a specimen of a Star-chamber trial.

† It is worth notice that he was the last person who joined issue in the ancient custom of a trial by battle. It was with one Ralph Auxton, for lands of the value of 200*l.* per ann. The two champions appeared in the court, armed cap-à-pée, with sandbags, &c. when the trial was put off by the judges; till at last it was ordered, at the king's instance, by parliament, that a bill should be brought in to take away that trial, in 1641.—*Rushworth's "Collections,"* Vol. I.

ants, as I was walking in Soper-lane with one John Chilburne, servant to old Mr. John Wharton, in Bow-lane, a hot-presser. And about twelve o'clock the next day, I was committed to the Gate-house, by Sir John Lamb, the prelate of Canterbury's chancellor, with others, without any examination at all, for sending of factious and scandalous books out of Holland into England. And having not been at the aforesaid prison above three days, I was removed, by a warrant from the lords of the council, to the Fleet, where I now remain. And after my being there some time, I drew a petition to the lords of the council for my liberty; and their answer to it was, that I should be examined before Sir John Banks, the king's attorney: the copy of which examination thus follows:

Upon Tuesday, the 14th Jan. 1637, I was had to Sir John Banks, the attorney-general's chamber, (now lord chief-justice of the court of pleas) and was referred to be examined by Mr. Cockshey, his chief clerk; and at our first coming together, he did kindly intreat me, and made me sit down by him, and put on my hat, and began with me after this manner.

Who printed all those books? I do not know.—Who was at the charges of printing them? Of that I am ignorant.—But did you not send over some of these books? I sent not any of them over.—Do you know one Hargust there? Yes, I did see such a man.—Where did you see him? I met with him one day accidentally at Amsterdam.—How oft did you see him there? Twice upon one day.—But did not he send over books? If he did, it is nothing to me, for his doings are unknown to me.—But he wrote a letter, by your directions, did he not? What he wrote over I know no more than you.—But did you see him no where else there? Yes, I saw him at Rotterdam.—What conference had you with him? Very little: but why do you ask me all these questions? these are beside the matter of my imprisonment; I pray come to the thing for which I am accused and imprisoned.—No, these are not beside the business, but do belong to the thing for which you are imprisoned.

But do you know of any that sent over any books? What other men did, doth not belong to me to know or search into; sufficient it is for me to look well to my own occasions.—Well, here is the examination of one Edmund Chillington, do you know such a one? Yes.—How long have you been acquainted with him? A little before I went away, but how long, I do not certainly know.—Do you know one John Wharton? No.—Do you not? he is a hot-presser. I know him, but I do not well remember his other name.—How long have you been acquainted with him, and how came you acquainted? I cannot well tell you.—How long do you think? I do not know.—What speeches had you with Chillington since you came to town? I am not bound to tell you: but sir (as I said before) why do you ask me all these questions? these are nothing pertinent to my imprisonment, for I am not imprisoned for knowing and for talking with

such and such men, but sending over books; and therefore I am not willing to answer you to any more of these questions, because I see you go about by this examination to ensnare me.

At this he was exceeding angry, and said, there would be a course taken with me to make me answer. I told him, I did not regard what course they would take with me.

You had better answer, for I have two examinations wherein you are accused.—Of what am I accused? Chillington hath accused you for printing ten or twelve thousand books in Holland, and that they stand you in about 80*l.* and that you had a chamber at Mr. John Foot's at Delft, where he thinks the books were kept, and that you would have printed the 'Unmasking of the Mystery of Iniquity,' if you could have got a true copy of it. I do not believe that Chillington said any such things; and if he did, I know and am sure, that they are all of them lies.—You received money of Mr. Wharton since you came to town, did you not? What if I did? —It was for books? I do not say so.—For what sort of books was it? I do not say it was for any, and I have already answered you all that for the present I have to answer; and if that will give you content, well and good; if not, do what you please.— If you will not answer more (here I told him, if I had thought he would have insisted upon such impertinent questions, I would not have given him so many answers) we have power to send you to the place from whence you came. You may do your pleasure, said I.—So he called in anger for my keeper, and gave him a strict charge to look well to me. I said, they should not fear my running away. And so I was sent down to Sir John Banks himself. And after he had read over what his man had writ, he called me in, and said, I perceive you are unwilling to confess the truth.

Lilburn.—"No, Sir, I have spoken the truth."

Sir John Banks.—"This is your examination, is it not? what your man hath written, I do not know.—Come near, and see that I read it right. Sir, I do not own it for my examination, for your man hath written what he pleased, and hath not written my answer; for my answer was to him, and so it is to you, that for the thing for which I am imprisoned (which is for sending over books) I am clear, for I did not send any, and for any other matter that is laid to my charge, I know it is warrantable by the law of God, and I think by the law of the land, for me to stand upon my just defence, and that my accusers ought to be brought face to face, to justify what they accuse me of: and this is all that I have to say for the present.—You must set your hand to this your examination. I beseech you, Sir, pardon me, I will set my hand to nothing but what I have now said.

He then took the pen and wrote, 'The examined is unwilling to answer to any thing but that for which he is imprisoned.' Now you will set your hand to it? I am not willing, in regard I do not own that which your man hath written; but if it please you to lend me the pen, I will write my answer, and set my hand to it.

He gave me the pen, and I began to write thus: 'The answer of me John Lilburn, is,' and here he took the pen from me, and said he could not stay, that was sufficient. Then one of my keepers asked him if they might have me back again? and he said yea, for he had no order for my enlargement.

And about ten or twelve days after, I was had forth to Grays-Inn again; and when I came there, I was had to the Star-Chamber office; and being there, as the order is, I must enter my appearance, they told me. I said, to what? for I was never served with any subpœna; neither was there any bill preferred against me, that I heard of. One of the clerks told me, I must first be examined, and then Sir John would make the bill. It seems they had no grounded matter against me to write a bill, and therefore they endeavoured to make me betray my own innocence, that they might ground the bill upon my own words: and on the entrance of my appearance, the clerk and I had a deal of discourse, but in the conclusion he demanded money of me, for entering of my appearance: and I told him I was but a young man, and a prisoner, and money was not very plentiful with me, and therefore I would not part with any money upon such terms. Well, (said he) if you will not pay your fee, I will dash out your name again. Do what you please, (said I,) I care not if you do; so he made complaint to Mr. Goad, the master of the office, that I refused to enter my appearance.

Then I was brought before him, and he demanded of me what my business was? I told him, I had no business with him, but I was a prisoner in the Fleet, and was sent for, but to whom and to what end I do not know, and therefore if he had nothing to say to me, I had no business with him. And then one of the clerks said, I was to be examined. Then Mr. Goad said, tender him the book; so I looked another way, as though I did not hear what he said; and then he bid me pull off my glove, and lay my hand upon the book. What to do, Sir? said I. You must swear, said he. To what? 'That you shall make true answer to all things that are asked you.' Must I so, Sir? but before I swear, I will know to what I must swear. As soon as you have sworn, you shall, but not before.—To that I answered, Sir, I am but a young man, and do not well know what belongs to the nature of an oath, and therefore, before I swear, I will be better advised.—Saith he, how old are you? About 20 years old, I told him.—You have received the sacrament, have you not? Yes, that I have.—And you have heard the ministers deliver God's word, have you not? I have heard sermons. Well then, you know the holy Evangelists? Yes, that I do.—But, sir, though I have received the sacrament, and have heard sermons, yet it doth not therefore follow that I am bound to take an oath, which I doubt of the lawfulness of.—Look you here, said he (and with that he opened the book), we desire you to swear by no foreign thing, but to swear by the holy evangelists.—Sir, I do not doubt or question that; I question how lawful it is for me to swear to do I know not what. "Will you take it or no, said he? Sir, I will be better advised first."

Upon Friday the 9th of Frebruary, in the morning, one of the officers of the Fleet came to my chamber, and bid me get up and make me ready to go to the Star-chamber bar forthwith. Having no time to fit myself, made me ready in great haste to go. And being at the bar, Sir John Banks laid a verbal accusation against me; which was, that I refused to answer, and also to enter my appearance, and that I refused to take the Star-chamber oath; and then was read the affidavit of Edmond Chillington, button-seller, made against Mr. John Wharton and myself: the sum of which was, that he and I had printed at Rotterdam, in Holland, Dr. Bastwick's answer, and his litany, and divers other scandalous books. And then, after I obtained leave to speak, I said, my noble lords, as for that affidavit, it is a most false lie and untrue."

Lord-Keeper.—Why will you not answer?

Lilburn.—My honourable lord, I have answered fully before Sir John Banks to all things that belong to me to answer unto; and for other things, which concern other men, I have nothing to do with them.—But why do you refuse to take the star-chamber oath? Most noble lord, I refused upon this ground, because that when I was examined, though I had fully answered all things that belonged to me to answer unto, and had cleared myself of the thing for which I am imprisoned, which was for sending books out of Holland, yet that would not satisfy and give content, but other things were put unto me concerning other men, to insnare me, and get further matter against me; which I perceiving, refused, being not bound to answer to such things as do not belong unto me. And withal I perceived the oath to be an oath of inquiry; and for the lawfulness of which oath, I have no warrant; and upon these grounds I did and do still refuse the oath.—Upon this some of the king's counsel and some of the lords spoke; would I condemn and contradict the laws of the land, and be wiser than all other men to refuse that which is the oath of the court, administered unto all that come there?

Lord-Keeper.—Well; tender him the book.

While standing against the prelate of Canterbury's back, he looked over his shoulder at me, and bid me pull off my glove, and lay my hand upon the book. Unto whom I replied,

"Sir, I will not swear; and then directing my speech unto the lords, I said, most honourable and noble lords, with all reverence and submission unto your honours, submitting my body unto your lordships' pleasure, and whatsoever you please to inflict upon it, yet must I refuse the oath."

My lords, said the Arch Prelate, (in a deriding manner) "do you hear him? he saith, with all reverence and submission, he refuseth the oath."

"Well, come, come," said the lord-keeper, "submit yourself unto the court."

Lilburn.—Most noble lords, with all willingness, I submit my body unto your honours' pleasure: but for any other submission, most honourable lords, I am conscious unto myself, that I have done nothing that doth deserve a convention before this illustrious assembly; and therefore for me to submit is to submit I do not know wherefore.

Earl of Dorset.—My lords, this is one of their private spirits; do you hear him, how he stands in his own justification? well, my lords, said the great prelate, this fellow (meaning me) hath been one of the most notorious dispersers of libellous books that is in the kingdom; and that is the father of them (pointing to old Mr. Wharton.)

Lilburn.—Sir, I know you are not able to prove and to make that good which you have said.—I have testimony of it, said he. Then, said I, produce them in the face of the open court, that we may see what they have to accuse me of; and I am ready here to answer for myself, and to make my just defence.—With this he was silent, and said not one word more to me; and then they asked my fellow-soldier, old Mr. Wharton, whether he would take the oath; which he refused, and began to tell them of the bishops' cruelty towards him; and that they had had him in five several prisons within these two years, for refusing the oath.—And then there was silence; after which was read how the court had proceeded against some that had harboured jesuits and seminary-priests (those traitors) who refused to be examined upon oath; and in regard that we refused likewise to be examined upon oath, it was fit, they said, that we should be proceeded against, as they were. So they were the precedent by which we were censured, though their cause and ours be much unlike, in regard theirs were little better than treason; but our crime was so far from treason that it was neither against the glory of God, the honour of the king, the laws of the land, nor the good of the commonwealth; but rather for the maintaining of the honour of them all, as all those that read the books without partial affections and prejudiced hearts can witness and declare; and if the books had had any treason, or any thing against the law of the land in them, yet we were but supposedly guilty; for the things were never fully proved against us. Indeed, there were two oaths read in court, which they said were sworn against us by one man, but he was never brought face to face, and in both his oaths he hath forsworn himself, as in many particulars thereof we are both able to make good.—In the conclusion, my lord-keeper stood up, and said, my lords, I hold it fit, that they should be both for their contempt committed close prisoners till Tuesday next; and if they do not conform themselves betwixt this and then to take the oath, and yield to be examined before Mr. Goad, then that they shall be brought hither again, and censured, and made an example. Unto which they all agreed; and we were then committed close prisoners, and no friends admitted to come unto us.

On the 13th Feb., about seven o'clock, we were had to the star-chamber bar again, to receive our censure; and stood at

the bar about two hours before Sir John Banks came; but at last he began his accusation against us, that we did still continue in our former stubbornness. And also there was another affidavit of the aforesaid Edmund Chillington's read against us, the sum of which was, that I had confessed to him, that I had printed Dr. Bastwick's "Answer to Sir John Banks's Information," and his "Litany;" and another book, "An Answer unto certain Objections;" and another, both his, called, "The Vanity and Impiety of the old Litany;" and that I had divers other books of Dr. Bastwick's printing. And that Mr. John Wharton had been at the charges of printing a book called, "A Breviate of the Bishops' late Proceedings;" and another book, called "Sixteen new Queries," and divers other factious books; and that one James Ouldam, a turner in Westminster Hall, had dispersed divers of these books. Then I spoke nearly as follows: Most noble lords, I beseech your honours, that you would be pleased to give me leave to speak for myself, and to make my just defence; and I shall labour so to order my speeches, that I shall not give your honours any just distaste; and withal shall do it with as much brevity as I can. So having obtained my desire, I began and said, my lords, it seems there were divers books sent out of Holland, which came to the hands of Edmund Chillington, who made this affidavit against us; and, as I understand, he delivered divers of these books unto one John Chilburne, servant to this old man, Mr. Wharton; and his master being in prison, he dispersed divers of them for the aforesaid Chillington's use; whereupon the books were taken in his custody; he being found dispersing of them, went to one Smith, a taylor, in Bridewell, (as I am informed) and desired him to get his peace made with the bishops. Whereupon he covenanted with some of the bishops' creatures to betray me into their hands, being newly come out of Holland, which, (as he said) did send over these books. So, my lords, he having purchased his own liberty, laid the plot for betraying me, and I was taken by a pursuivant and four others of his assistants, walking in the streets with the aforesaid John Chilburne, who had laid and contrived the plot before (as I am able to make good;) and the next morning I was committed by Sir John Lamb to the Gate-house. Now, my lords, I do protest before your honours, on the word of a christian, that I did not send over these books, neither did I know the ship that brought them, nor any that belongs to the ship, nor to my knowledge did I ever see with my eyes, either the ship, or any that belongs unto it.—And being at the Gate-house, I was removed (by six of your honours) to the fleet, at which time the said Chillington was removed from Bridewell to Newgate; and being kept close there, he, by their threats and persuasions, and the procuring of his own liberty, accused me for printing ten or twelve thousand books in Holland. And at my examination before Sir John Banks, I cleared myself of that; and upon Friday last he made an affidavit against me, in which he hath most falsely forsworn himself, and to-day he hath made another, which is also a most false untruth; and withal, my lords, he is known to be a notorious

lying fellow, and hath accused me for the purchasing of his own liberty, which he hath got. And therefore, I beseech your honors to take it into your serious consideration, whether I am to be censured upon such a fellow's affidavit or no.

Then the lord-keeper said,

Thou art a mad fellow, seeing things are thus, that thou wilt not take thine oath, and answer truly.

My honourable lord, I have declared unto you the real truth; but for the oath, it is an oath of inquiry, and of the same nature as the high-commission oath; which oath I know to be unlawful; and withal I find no warrant in the word of God for an oath of inquiry, and it ought to be the director of me in all things that I do; and therefore, my lords, at no hand, dare I take the oath. (When I named the word of God, the court began to laugh, as though they had had nothing to do with it.) My lords (said Mr. Goad) he told me yesterday, he durst not take the oath, though he suffered death for the refusal of it. And with that my lord-privy-seal spoke; will you (said he) take your oath, that that which you have said is true? My lord (said I) I am but a young man, and do not well know what belongs to the nature of an oath, (but that which I have said, is a real truth) but thus much; by God's appointment I know an oath ought to be the end of all controversy and strife, Heb. 6, 16. and if it might be so in this my present cause, I would safely take my oath, that what I have said is true. So they spoke to the old man, my fellow-partner, and asked him whether he would take the oath? He desired them to give him leave to speak; and he began to thunder out against the bishops, and told them, they required three oaths of the king's subjects; namely, the oath of churchwardenship, and the oath of canonical obedience, and the oath *ex officio;* which (said he) are all against the law of the land, and by which they deceive and perjure thousands of the king's subjects in a year. And withal my lords, (said he) there is a maxim in divinity, that we should prefer the glory of God, and our good of the king and country, before our own lives. But the lords wondering to hear the old man begin to talk after this manner, commanded him to hold his peace, and to answer them, whether he would take the oath or no? to which he replied, and desired them to let him talk a little, and he would tell them by and by. At which all the court burst out a laughing; but they would not let him go on, but commanded silence (which if they would have let him proceed, he would have so attacked the bishops, as they were never in their lives in an open court of judicature.) So they asked us again, whether we would take the oath? which we both again refused; and withal I told them, that for the reasons before I durst not take it. Then they said, they would proceed to censure. I bid them do as they pleased, for I knew myself innocent of the thing for which I was imprisoned and accused; but yet, notwithstanding, did submit my body to their honours' pleasure. So they censured us 500*l.* a-piece; and then stood up Judge Jones, and said, it was fit that I, being a

young man, for example sake, should have some corporal punishment inflicted upon me. So my censure was to be whipt, but neither time nor place allotted. And for the old man, in regard of his age, being 85 years old, they would spare his corporal punishment, though (said they) he deserves it as well as the other (meaning me,) yet he should stand upon the pillory: but I could not understand or perceive, by my censure, that I was to stand upon the pillory. And when I came from the bar, I spoke in an audible voice, and said, my lords, I beseech God to bless your honours, and to discover and make known unto you the wickedness and cruelty of the prelates.

After our censure, we had the liberty of the prison for a few days; but the old man, my fellow-partner, went to the warden of the Fleet, and told him the sum of that which he intended in the star-chamber, to have spoken against the bishops, if the lords would have let him. He told the warden, that the bishops were the greatest tyrants that ever were since Adam's creation; and that they were more cruel than the Cannibals, those men-eaters; for, said he, they presently devour men, and put an end to their pain; but the bishops do it by degrees, and are many years exercising their cruelty and tyranny upon those that stand out against them; and therefore are worse than the very Cannibals.

This came to the lords of the council's ears, whereupon we were the next Monday after brought both together, and locked up close prisoners in one chamber, without any order or warrant at all, but only Warden Ingram's bare command and pleasure. But the old man, about three weeks after, made a petition to the lords of the council, that he might have some liberty; and being very weak, more likely to die than to live, he had his liberty granted till the term: but I do still remain close prisoner.

Upon Wednesday, the 18th of April, 1638, I was cruelly whipped through the streets to Westminster, and at the last came to the pillory, where I was unloosed from the cart, and having put on some of my clothes, went to the tavern, where I staid some time waiting for my surgeon, who was not yet come to dress me; where were many of my friends, who were exceedingly rejoiced to see my courage, that the Lord had enabled me to undergo my punishment so willingly.

Well, said I, I regard not a little outward disgrace for the cause of my God; I have found already that sweetness in Him, in whom I have believed, that, through his strength, I am able to undergo any thing that shall be inflicted on me: but methinks that I had very hard measure, that I should be condemned and thus punished upon two oaths, in which the party has most falsely forsworn himself; and because I would not take an oath to betray my own innocence. Why, Paul found more mercy from the heathen Roman governors, for they would not put him to an oath to accuse himself, but suffered him to make the best defence he could for himself; neither would they condemn him, before his accusers and he were brought face to face, to justify, and fully to prove their accusation; but the lords have not dealt so with me,

for my accusers and I were never brought face to face, to justify their accusation against me. It is true, two false oaths were sworn against me, and I was thereupon condemned; because I would not accuse myself. I prepared myself for the pillory, to which I went with a joyful courage; and when I was upon it, I made my obeisance to the lords; some of them, as I suppose, looked out at the star-chamber window towards me. And as I put my neck into the hole, which being a great deal too low for me, it was very painful to me, in regard of continuance of the time that I stood on the pillory, which was about two hours; my back being also very sore, and the sun shining so exceeding hot, and the tipstaff-man not suffering me to keep on my hat to defend my head from the heat of the sun, so that I stood there in great pain; yet, through the strength of my God, I underwent it with courage, to the very last minute.

Having proceeded, by the strength of my God, with boldness and courage in my speech to the people, the warden of the Fleet came with the fat lawyer, and commanded me to hold my peace. To whom I replied, I would speak and declare my cause and mind, though I were to be hanged at the gate for my speaking. He then caused proclamation to be made upon the pillory, for bringing to him the books; he then commanded me to be gagged, and if I spoke any more, that then I should be whipt again upon the pillory. So I remained about an hour and a half gagged, being intercepted of much matter which, by God's assistance, I intended to have spoken.

And when I was to come down, having taken my head out of the pillory, I looked about me upon the people, and said, I am more than a conqueror, through Him that hath loved me. *Vivat Rex*, let the king live for ever; and so I came down and was had back again to the tavern, where I, together with Mr. Wharton, staid a while, till one went to the warden to know what should be done with me, who ordered that we should be carried back again to the Fleet.—After I came back to the prison, none were suffered to come to me, but the surgeon to dress me. The rest that I intended by the strength of my God to have spoken (if I had not been prevented by the gag,) I now forbear to set down, in regard I hear I am to come into the field again to fight a second battle, unto which time I reserve it: if the Lord so order it, that I may have liberty to speak, I doubt not but by the might and power of my God, in whom I rest and trust, valiantly to display the weapons of a good soldier of Jesus Christ, come life, come death; and in the mean time, to what I have here said and written, I set-to my name, by me, John Lilburn, being written with part of mine own blood.

JOHN LILBURN.

He underwent this sentence with undismayed obstinacy, uttering many bold speeches against the bishops, and dispersing many pamphlets from the pillory, on which, after the star-chamber, then sitting, had ordered

him to be gagged, he stamped with his feet. The spirit he shewed upon this occasion procured him the nickname of "Free-born John" among the friends to the government, and among his own party the title of Saint. In prison he was loaded with double irons on his arms and legs, and put into one of the closest wards; but, being suspected to have occasioned a fire which broke out near that ward, he was removed into a better ward, at the earnest solicitation both of the neighbours and prisoners. The first use he made of his present more convenient situation, was to publish a piece of his own writing, entitled "The Christian Man's Trial," in quarto; "Nine Arguments against Episcopacy;" and several "Epistles to the Wardens of the Fleet."

He wrote several other pamphlets, before the long parliament granted him the liberties of the Fleet, Nov. 1640, which indulgence he likewise abused, by appearing, on May 3, 1641, at the head of the people, who clamoured for justice against the Earl of Strafford. Next day he was seized and arraigned at the bar of the House of Lords, for an assault upon Colonel Lunsford, the governor of the Tower; but the temper of the times being now in his favour, he was dismissed, and the same day a vote passed in the House of Commons, declaring his former sentence illegal and tyrannical, and that he ought to have reparation for his sufferings and losses. This reparation was effectual, although slow. It was not until April 7, 1646, that a decree of the House of Lords passed for giving him two thousand pounds out of the estates of Lord Cottington, Sir Banks Windebank, and James Ingram, warden of the Fleet; and it was two years after before he received the money, in consequence of a petition to the House of Commons, when he obtained an ordinance for 3000*l.* worth of the delinquents' lands, to be sold to him at twelve years' purchase. This ordinance included a grant for some part of the sequestered estates of Sir Henry Bellingham and Mr. Bowes, in the counties of Durham or Northumberland, from which he received about 1400*l.*; and Cromwell, soon after his return from Ireland, in May 1650, procured him a grant of lands for the remainder.

When the parliament voted an army to oppose the king, Lilburn entered as a volunteer, was a captain of foot at the battle of Edge-hill, and fought well in the engagement at Brentford, Nov. 12, 1642, but being taken prisoner, was carried to Oxford, and would have been tried and executed for high-treason, had not his parliamentary friends threatened retaliation. After this, as he himself informs us, he was exchanged very honorably above his rank, and rewarded with a purse of 300*l.* by the Earl of Essex. Yet, when that general began to press the Scots' covenant upon his followers, Lilburn quarrelled with him, and by Cromwell's interest he was made a major of foot, Oct. 1643, in the new-raised army under the Earl of Manchester. In this station he behaved very well, and narrowly escaped with his life at raising the siege of Newark by Prince Rupert; but at the same time he quarrelled with his colonel (King), and accused him of several misdemeanours, to the earl, who immediately promoted him to be lieutenant-colonel of his own regiment of dragoons. This post Lilburn sustained with signal bravery at the battle of Marston-moor, in July; yet he had before that quarrelled with the earl for not bringing Colonel King to a trial by a court-martial; and upon Cromwell's accusing his lordship to the House of Commons, Nov. 1644, Lilburn appeared before the committee in support of that charge. Nor did he rest until he had procured an impeachment to be exhibited in the House of Commons in August this year, against Colonel King for high crimes and misdemeanors. Little attention being paid to this, he first offered a petition to the house, to bring the colonel to his trial, and still receiving no satisfaction, he published an attack upon the Earl of Manchester, in 1646.

Being called before the House of Lords, where that nobleman was speaker, on account of this publication, he not only refused to answer the interrogatories, but protested against their jurisdiction over him in the present case; on which he was first committed to Newgate, and then to the Tower. He then appealed to the House of Commons; and upon their deferring to take his case into consideration, he charged that house, in

print, not only with having done nothing of late years for the general good, but also with having made many ordinances notoriously unjust and oppressive. This pamphlet, which was called "The Oppressed Man's Oppression," being seized, he printed another, entitled "The Resolved Man's Resolution," in which he maintained "that the present parliament ought to be pulled down, and a new one called, to bring them to a strict account, as the only means of saving the laws and liberties of England from utter destruction." This not availing, he applied to the agitators in the army; and at length, having obtained liberty every day to go, without his keeper, to attend the committee appointed about his business, and to return every night to the Tower, he made use of that indulgence to engage in some seditious practices. For this he was recommitted to the Tower, and ordered to be tried; but, upon the parliament's apprehensions from the cavaliers, on Prince Charles's appearing with the fleet in the Downs, he procured a petition, signed by seven or eight thousand persons, to be presented to the house, which made an order, in August 1648, to discharge him from imprisonment, and to make him satisfaction for his sufferings. This was not effected, however, without a series of conflicts and quarrels with Cromwell; who, returning from Ireland in May 1650, and finding Lilburn in a peaceable disposition with regard to the parliament, procured him the remainder of his grant for reparations above-mentioned. For the particulars of his trial in 1649, see vol. ii.

This was gratefully acknowledged by his antagonist, who, however, did not continue long in that humour; for, having undertaken a dispute in law, in which his uncle George Lilburn happened to be engaged, he petitioned the parliament on that occasion with his usual boldness in 1651; and this assembly fined him in the sum of 7000*l.* to the state, and banished him the kingdom. Before this, however, could be carried into execution, he went, in Jan. 1651-2, to Amsterdam; where, having printed an apology for himself, he sent a copy of it, with a letter, to Cromwell, charging him as the principal promoter of the act of his banishment.

He then remained in exile, without hopes of re-visiting England, till the dissolution of the long parliament; on which event, not being able to obtain a pass, he returned without one, in June 1657; and, being seized and tried at the Old Bailey, he was a second time acquitted.

After this, he settled at Eltham, in Kent, where he passed the short remainder of his days in tranquillity, giving, however, another proof of his versatile principles, by joining the quakers, among whom he preached, in and about Eltham, till his death, Aug. 29, 1657, in his forty-ninth year. He was interred in the then new burial-place in Moor-Fields, near the site of Old Bedlam; four thousand persons attending his burial. Wood characterizes him as a person "from his youth much addicted to contention, novelties, opposition of government, and to violent and bitter expressions;" "the idol of the factious people;" "naturally a great trouble-world in all the variety of governments, a hodge-podge of religion, the chief ring-leader of the levellers, a great proposal-maker, and a modeller of state, and publisher of several seditious pamphlets, and of so quarrelsome a disposition, that it was appositely said of him (by Judge Jenkins), 'that, if there was none living but he, John would be against Lilburn, and Lilburn against John.'" Lord Clarendon instances him "as an evidence of the temper of the nation; and how far the spirits at that time (in 1653) were from paying a submission to that power, when nobody had the courage to lift up their hands against it." Hume says, that he was "the most turbulent, but the most upright and courageous of human kind;" and more recent biographers have given him credit for the consistency of his principles.

Sir JOHN ELLIOT, Knight, DENZIL HOLLES, and BENJAMIN VALENTINE, Esquires,

FOR SEDITIOUS WORDS, FOR CONTEMPT, AND FOR AN ASSAULT ON THE SPEAKER OF THE HOUSE OF COMMONS. 1629.

An information was exhibited against them, by Sir Robert Heath, attorney-general, reciting, that a parliament was summoned to be held at Westminster, 17th March, 3 Car. and that Sir John Elliot was duly elected, and returned knight, for the county of Cornwall; and the other two, burgesses of parliament, for other places; and Sir John Finch chosen speaker:

"That Sir John Elliot, *machinans et intendens, omnibus viis et modis seminare et excitare* discord, evil will, murmurings, and seditions, as well *versus regum, magnates, proceres, et justiciarios, et reliquos ubditos regis, et totaliter deprivare et avertere regimen et gubernationem regni Angliæ, tam in Domino rege, quam in consiliariis et ministris suis cujuscunq: generis, et introducere tumultum et confusionem* in all estates and parts, *et ad intentionem*, that all the king's subjects should withdraw their affections from the king. The 23d Feb. anno 4to. Car. in the parliament, and hearing of the commons, *falso malitiose et seditiose*, used these words: "The king's privy-council, his judges, and his counsel learned, have conspired together, to trample under their feet the liberties of the subjects of this realm, and the privileges of this house: and afterwards, upon the 2d of March, anno 4to aforesaid, the king appointed the parliament to be adjourned until the 10th of March next following, and so signified his pleasure to the house of commons: and that the three defendants, the said second day of March, 4to Car. *malitiose* agreed, and amongst themselves conspired, to disturb and distract the commons, that they should not adjourn themselves, according to the king's pleasure, before signified: and that the said Sir John Elliot, according to the agreement and conspiracy aforesaid, had maliciously *in propositum et intentionem predict'* in the House of Commons aforesaid, spoken these false, malicious, pernicious, and seditious words precedent, &c. And the said Denzil Holles, according to the agreement and conspiracy aforesaid, between him, and the other defendants then and there, *falso malitiosa et seditiose* uttered *hæc falsa, malitiosa, et scandalosa verba precedentia, &c.* And that the said Denzil Holles, and Benjamin Valentine, *secundum, agreamentum et conspirationem predict' et ad intentionem et propositum predict'* uttered the said words upon the said second day of March, after the signifying the king's pleasure, to adjourn: and the said Sir John Finch, the speaker, endeavouring to get out of the chair, according to the king's command, they, *vi et armis et manu forti et illi-*

cito, assaulted, evil-entreated, and forcibly detained him in the chair: and afterwards, he being out of the chair, they assaulted him in the house, and evil-entreated him, *et violenter manu forti et illicito*, drew him to the chair, and thrust him into it: whereupon there was a great tumult and commotion in the house, to the terror of the commons there assembled, against their allegiance, *in maximum contemptum*, and to the disherison of the king, his crown and dignity, &c. For which," &c.

To this information the defendants appearing, pleaded to the jurisdiction of the court: that the court ought not to have cognizance thereof, because it was for offences done in parliament, and ought to be there examined and punished, and not elsewhere. To this plea the attorney-general demurred, and the defendants joined in demurrer; and the next term Mr. Mason, of counsel for the defendants, endeavoured to support their plea, observing, that they were charged, 1. With seditious speeches. 2. Contempt against the king, in resisting the adjournment; and, 3. With a conspiracy to keep the speaker in the chair.

The judges delivered their opinions, that the court of King's-Bench, as this case was, had jurisdiction, notwithstanding these offences were committed in parliament; and that the imprisoned members ought to answer over.

The lord-chief-justice Hyde said, it was true, an inferior court could not meddle with the judgments of a superior court; but if a particular member of a superior court offended, he might be punished in an inferior court: as if a judge committed a capital offence in that court, he might be arraigned for it in a court of oyer and terminer at the Old Bailey, which was an inferior court to the King's-Bench. This being the opinion of the whole court, it was ruled, the defendants should plead over; but they refusing to put in any other plea than to the jurisdiction, judgment was pronounced against them, by Mr. Justice Jones, the last day of the term, viz. that Sir John Elliot should be committed to the Tower, and pay a fine of 2000*l.* and, upon his enlargement, find sureties, for his good behaviour; that Holles should pay a fine of 1000 marks, be imprisoned, and find sureties in like manner: and that Valentine should pay a fine of 500*l.* be imprisoned, and likewise find sureties.

In the next parliament, which met the 13th of April, 1640, it was referred to a committee of the commons, to consider of the breach of their privileges, by Sir John Finch, speaker of the commons, 5 Car. by refusing to put the question on the command of the house to do it: and on the 20th of April, it was reported from the committee, that Sir John Finch did not say, "He would not put the question;" but that, "he durst not put it;" and, that "he left the chair, not to disobey the house, but to obey his majesty:" whereupon the house resolved, that it was a breach of privilege, for the speaker not to obey the commands of the house; and that it appeared, the speaker did adjourn the house by the command of the king, without consent of the house, which was also a breach of privilege.

They were also about to enquire into the imprisonment of Sir John Elliot, Mr. Holles, Mr. Selden, and the rest of the members of the House of Commons, in the 3d and 5th of Car. but being suddenly dissolved, no progress was made in that enquiry: another parliament meeting on the 3d of November 1640, and a committee being appointed, to consider of the cases of the imprisoned members, Mr. Recorder Glyn reported from the committee the sufferings they had undergone in defence of the liberties of the subject: whereupon the house, on July 6th, resolved,

"That the issuing warrants by the privy-council, compelling Mr. Holles, and the rest of the members of that parliament, to appear before them, during the continuance of parliament, was a breach of privilege.

"That the committing them was a breach of privilege. As was also the searching and sealing the chambers, studies, and papers, of Mr. Holles, Mr. Selden, and Sir John Elliot, and issuing warrants for that purpose, during the parliament.

"That the exhibiting an information in the star-chamber against Mr. Holles, and the rest, for matters done in parliament, was a breach of privilege.

"That Sir Robert Heath, Sir Humphrey Davenport, Sir Heneage Finch, Mr. Hudson, and Sir Robert Berkley, who subscribed their names to the information, were guilty of breach of the privilege.

"That the continuance of Mr. Holles, and the rest of the members, in prison, 3 Car. by the then judges of the King's-Bench, for not putting in sureties for their good behaviour, was without just or legal cause.

"That the exhibiting the information against Mr. Holles, Sir

John Elliot, and Mr. Valentine, in the King's-Bench, for matters done in parliament, was a breach of privilege.

"That the prosecuting them in the star-chamber, and the King's-Bench, was a grievance.

"That Mr. Holles, Mr. Stroud, Mr. Valentine, and Mr. Long, and the heirs and executors of Sir John Elliot, Sir Miles Hobart, and Sir Peter Hayman, respectively, ought to have reparation for their respective damages and sufferings, against the lords and others of the council, by whose warrant they were apprehended and committed, and against the counsel, that put their hands to the information in the star-chamber, and against the judges of the King's-Bench.

"That Mr. Laurence Whitaker, being a member of the parliament 3 Car. and entering the chamber of Sir John Elliot, then likewise a member of parliament, searching his trunks and papers, and sealing them, was guilty of a breach of privilege, being done before the dissolution of the parliament.

"Resolved, That the said Mr. Whitaker be forthwith sent to the Tower; there to remain, a prisoner, during the pleasure of the House."

Mr. Whitaker was then called down to hear his sentence; and, kneeling at the bar, did not deny his searching and sealing up the chamber, trunk, and study, of Sir John Elliot, between the 2d and 10th of March, 3 Car. during which time the parliament was adjourned.

Whereupon the following resolution was made;—

"Resolved, That Mr. Holles shall have the sum of 5,000*l.* for his damages, losses, imprisonments, and sufferings, sustained and undergone by him, for his service to the commonwealth in the parliament of 3 Car.

"Resolved, That Mr. Selden have the like sum of 5,000*l.* for the like services, &c.

"Resolved, That the like sum be assigned for the services, &c. done by Sir John Elliot (deceased) to be disposed of as the House shall direct.

"Resolved, That 2,000*l.* paid into the Court of Wards by Mr. Elliot, heir of Sir John Elliot, for marrying Sir Daniel Norton's daughter, be repaid Mr. Elliot.

"Ordered, That it be referred to a committee after what manner Sir John Elliot came to his death; his usage in the Tower, and to view the rooms and places where he was imprisoned, and where he died.

"Resolved, That 5,000*l.* be paid to the representatives of Sir Peter Hayman, for his sufferings, &c. for the service of the Commonwealth, 3 Car.

"Resolved, That Mr. Walter Long have 5,000*l.* for the like services.

"Resolved, That 5,000*l.* be assigned for the sufferings, &c. sustained by Mr. Stroud, deceased.

" Resolved, That Mr. Benjamin Valentine have 5,000*l.* for the like sufferings, &c.

" Resolved, That 5,000*l.* be disposed of, for the erecting a monument to Sir Miles Hobart, in memory of his services, &c."

SIR JOHN HOTHAM,

GOVERNOR OF HULL,

FOR HIGH-TREASON, 1642.

THIS gentleman was descended from an ancient family, named de Trehouse, the founder of which, for his good services at the battle of Hastings, had a grant from the conqueror of the castle and manors of Colley-Weston, Northampton, and Hotham, in Yorkshire.

Sir John Hotham was created baronet by King James I. January 4, 1621; but, at the commencement of the civil wars, he adhered to the parliament, and was appointed governor of Hull. On the 23d of April, 1642, Charles I. came before the town, attended by a vast number of the nobility and gentry, when his entrance was denied, and the gates shut against him, as Sir John Hotham, then upon the wall, peremptorily told him, by authority of parliament, by whose trust he kept it; nor could he, by any means, after a long parley, be prevailed upon to reverse the orders of the parliament.

This so enraged the king, that he caused Hotham to be immediately proclaimed a traitor. The Duke of York and the Prince Elector, Henry Frederick, had gone into the town the day before, but were, after some deliberation, suffered to go out again and join the king, who, obtaining no satisfaction from his addresses to the parliament against Hotham, soon after erected a standard at Nottingham, and commenced the war which cost him his crown and life. Although he ventured so far in the service of his masters at Westminster, it appears they never reposed implicit trust in him, as they kept spies upon all his actions, among whom was his own son; but, both intriguing with the Marquis of Newcastle, upon a design to deliver up Hull to the

king's party, the correspondence was discovered, and both father and son were taken prisoners, and sent to the Tower.

When brought to trial, he endeavoured to evade the charge, and produced some witnesses of quality, on purpose to take off the testimony of the evidence against him, but failed in the proofs. He then insisted on the great service he had done before at Hull, from which he expected honour and preferment: his disappointment in this respect seems to have induced him to join the king's interest.

He received sentence of death on the 27th of December, 1644, and was ordered for execution on the 31st, on Tower-hill, where a great multitude was assembled round the scaffold to witness the scene; but as he was on his way thither, a reprieve came from the lords for four days, which the commons so resented, conceiving their privilege invaded, that they ordered he should die on the 2d of January, which accordingly took place, his son suffering the day before for the same offence.

Sir John Hotham fell unpitied by both parties, as true to neither, and one in whom no confidence could be placed. King Charles mentioning him, says, "That which makes me more pity him is, that, after he began to have some inclination to repentance for his sin, and a reparation of his duty to me, he should be so unhappy as to fall into the hand of their justice and not my mercy, who could as willingly have forgiven him, as he could have asked that favour of me. Poor gentleman, he is now become a notable monument of an unprosperous disloyalty, teaching the world, by so sad and unfortunate a spectacle, that the rude carriage of a subject carries always its own vengeance, as an inseparable shadow with it; and those often prove the most fatal and implacable executioners of it, who were the first employers in the service. Less than this could not be afforded to this most notable passage of the times, whose ill beginning with this man brought him to this ill and unfortunate end."

REMARKABLE

CASES OF TREASON,

BEFORE THE REFORMATION.

In addition to the previous Trials, serving as interesting specimens of our juridical system in early times, some other cases have been selected, which occurred in times of violence and arbitrary rule, when Law and Justice yielded too often to passion and personal enmity.

THOMAS, EARL OF LANCASTER,

FOR TREASON, &c. IN THE 15TH YEAR OF KING EDWARD II. ANN. 1322.

THOMAS PLANTAGENET, Earl of Lancaster, was the son of Edmund, Earl of Lancaster, second son to Henry III. King of England, and consequently had so much of the royal blood in him, and was so nearly allied to the crown, that he was first-cousin to King Edward II. and next in succession after himself and his issue. The greatness of the earl made all that were aggrieved apply to him for protection and relief, who, being a most strenuous assertor of English liberty, and an enemy to court minions and flatterers, he was frequently on ill terms with his prince in a loose and dissolute reign.

At length a civil war broke out, the Earls of Lancaster and Hereford heading the party that opposed the court of whom Lancaster was at last taken prisoner, and his trial and condemnation were as follow.

Since William the Conqueror came to the crown of England, during which time, though there had been

very many insurrections and civil wars waged between our kings and the barons, yet not one nobleman was tried for his life, and suffered death by form of law, till this earl. The record itself, translated from the Latin original, was as follows:—

Pleas of the crown held before our sovereign lord King Edward II. son of Edward I. King of England, in the king's own presence at Pomfret, on Monday immediately preceding the feast of the annunciation of our blessed Virgin Mary, and the 15th year of the said king's reign.

Seeing that Thomas, Earl of Lancaster, who was taken prisoner for the many treasons, murders, burnings, depredations, and divers other felonies, was brought before the king, where there were present these following peers, viz.

Edmund Plantagenet, sirnamed of Woodstock, Earl of Kent, the king's brother.
John de Dreux, Earl of Richmond, (Duke of Bretagne.)
Aymer de Valence, Earl of Pembroke.
John Plantagenet, Earl of Surrey.
Edmund Fitzallan, Earl of Arundel.
David, Earl of Athol.
Robert, Earl of Angus.*
Lord Hugh Spencer, the father.
Lord Robert de Malmesthorp, chief-justice.

And several others the peers of the realm.

He calls to mind that the said Thomas, Earl of Lancaster, the king's liege man, came to Burton-upon-Trent.

Together with Humphrey de Bohun, late Earl of Hereford, who was a traitor to the king and kingdom, being found with banners displayed at Burrow-Brigg, waging war against the king our sovereign lord, and there slain with Roger Damgery, and adjudged a traitor; and also with some other traitors and enemies to the king and the realm.

With banners displayed, as in open war, in a hostile manner resisted and hindered our sovereign lord the king, his soldiers and faithful subjects, for three whole days; so as that they could not pass over the bridge of the said town of Burton-upon-Trent as they ought to have done, and there feloniously slew some of the king's men.

Wherefore the said king, in order to repress the malice and resistance of the said Earl of Lancaster and others, and to maintain the peace and tranquillity of the kingdom, to defend his people and the right of his royal crown, and to repel and suppress the said insurrection and sedition, moved and sought for a passage

* Athol and Angus, Scotch peers, were then reputed English, as being under the dominion of England.

elsewhere over the Trent, and so rode with all his power from thence towards the said earl and others.

And whereas the said Earl of Lancaster had observed this, he, together with the other traitors above-mentioned, as a traitor and an enemy to the king and kingdom, set fire to the said town of Burton, and feloniously burnt part of the houses and goods therein; and the said Earl of Lancaster thereupon, together with the other traitors before-mentioned, went out of the town into the field, where he displayed his banners, and drew up his men in an hostile manner to fight against the king himself, contrary to his homage, faith, and allegiance, which he owed to his said sovereign lord the king, waiting for the coming up of his said sovereign the king into the field.

Moreover, when the said Thomas, Earl of Lancaster, perceived that the king was upon the march, and drew near them with a great force, he, together with the others his fellow-traitors aforesaid, in confusion betook themselves to flight, and actually fled.

And while, during the flight, our lord the king stoutly pursued them, they committed several depredations and robberies, until the said Thomas, Earl of Lancaster, together with the traitors aforesaid, with horse and arms, and banners displayed, made an attack upon the said subjects that adhered to the king, and were there present, some of whom he feloniously slew and vanquished, until the said Thomas, Earl of Lancaster, falling there into confusion, was taken prisoner; and some of the aforesaid rebels were also taken; so that nothing was wanting on the part of Thomas, Earl of Lancaster, but that he, together with the other rebels who accompanied him, would have routed and subdued the king in battle.

Which treasons, slaughters, burnings, depredations, and hostilities, together with horses, and arms, and banners displayed, are very notorious and manifest, even known they are to the earls, barons, gentry, and commonalty of the realm: and therefore it is decreed, that the said Earl Thomas, for the said treason, shall be drawn, and for the said murders, depredations, burnings, and rebellion, hanged, and for the said flight upon that account, beheaded.

Moreover, though the said Thomas, Earl of Lancaster, hath in times past several times carried himself wickedly and maliciously, contrary to his homage, faith, and allegiance, towards our lord the king; to wit, when our said lord the king had at Newcastle-upon-Tyne got together provisions, horses, and armour, jewels, and several other goods and moveables, of great value, and in large quantities; which goods and moveables the said Earl Thomas, with horse and arms, and a great power of armed men, took, despoiled, and carried off, and which depredation and offence our sovereign lord the king, out of his special grace and favour, forgave and pardoned the said earl, and others his accomplices in the said depredations, in order to reclaim the said Thomas, Earl of Lancaster, and amend his life.

Again, the said Thomas, Earl of Lancaster, having drawn a

great number of men together, with an army, came to several parliaments of our lord the king, and several times hindered our sovereign lord the king to hold his parliaments, as the same of right appertained to him and his crown to hold, and several times declined to come into those parliaments, pursuant to the king's commands; but disobediently refused it, and also had frequently several meetings and assemblies against the king, in divers places, and against his majesty's express orders to the contrary.

Moreover, seeing that several offenders and others, the disturbers of the king's peace, whom the said Thomas, Earl of Lancaster, drew to his part and interest, have committed murders, depredations, and several other felonies, for which they have deserved that sentence of death should pass upon them, and that the said Earl of Lancaster has deserved the like sentence of death, for his keeping and entertaining of such persons, according to the laws and usage of the realm: nevertheless, the said earl coming into the parliament of our lord the king, held at York, with a great power of armed men, brought the said king our sovereign to grant a pardon for the breach of his peace by him and the aforesaid offenders in the premises, even to the number of a thousand persons, though the said Thomas, Earl of Lancaster, had sworn before to the observance of some constitutions, by which the king was not to pardon the breach of his peace, in such emergent cases as the death of a subject.

Again, seeing our said sovereign lord the king, in order to bring the said earl to good, as aforesaid, which Earl did all he could to oppose him, bestowed upon him several possessions in lands, territories, and other privileges, at several times, and allowed him certain grants, several favours, and pardon under his great seal; yet the same Thomas, Earl of Lancaster, with all his power and might, persisted in his rebellion and disobedience to our sovereign lord the king, and even persevered in his malice against him.

Farther, the said Thomas, Earl of Lancaster, sent some soldiers, out of his own family, in the city of York, in order to draw the community of the said city, and the custody thereof, into his own hands; and the said earl has also usurped to himself the royal authority divers ways, and endeavoured to usurp it; to the end he might, so far as lay in his power, dispossess our sovereign lord the king of his dominions, and dethrone him.

Again, since the king our sovereign lord, when lately at York, commanded divers of the nobility and others, his subjects, with whom he had a mind to consult, to repair to York, there to consider about the king's expedition against Scotland, the said Thomas, Earl of Lancaster, residing at that time in his castle at Pomfret, sent to gather a great power of armed men, and his own people, to obstruct the passages to York, as well by the road-ways as over the bridges, and thereby hindered the counsellors of our Lord the king, pursuant to his royal commands, to come to York, and so to attend his person. And for as much as our lord the king, being upon his departure from York towards the southern part of the kingdom, came, with his household, to pass over near Pom-

fret, the said Thomas, Earl of Lancaster, and his men, sallied out of the aforesaid castle, and, upon sight of our lord the king, in a very base, despicable, and tumultuous manner, exclaimed against him, to the great dishonour of our sovereign lord the king, as if the said king was their enemy, and no king, nor their sovereign.

Again, the said Thomas, Earl of Lancaster, together with the afore-mentioned Earl of Hereford, and others his fellow-traitors, endeavoured to form and conclude a confederacy and alliance with Robert de Bruce, Thomas Randolph, and James Douglas, and other Scotchmen, who were enemies of our sovereign lord the king, and his realm; and that there has been found a certain indenture of the said confederacy and alliance, upon the said Earl of Hereford, when he was slain, as above-mentioned, in these words: "The credentials of John de Denum to Robert, King of Scots, to Thomas Randolph, Earl of Morif, Seneschal of Scotland, and to Master James Douglas, or to any of them, as soon as he shall meet with them, on the behalf of the Earl of Lancaster and the Earl of Hereford, and their allies, viz.

"That the said King of Scots, and the said Earl of Morif, and Seneschal of Scotland, and Master James Douglas, with their power, shall come to the said Earls of Lancaster and Hereford, and their allies, as soon as they are ready, to a certain place appointed, where they may rendezvous.

"They shall offend all those whom the said Earls of Lancaster and Hereford, and their allies, would have them offend, and protect all those whom they would have them protect, to the utmost of their power.

"Farther, they shall come to the said Earls of Lancaster and Hereford to all places whither they would have them come, in England, Wales, and Ireland, and there live and die with them in the defence of their quarrel, without making any pretence of conquest or sovereignty to the said territories in England, Wales, and Ireland, and the said King of Scotland, and the said Earl of Morif, Seneschal, and Master James Douglas, are willing, on the behalf of themselves and of their forces, to assure and perform the same. But in case the said King of Scots should himself be hindered, through sickness, or some other impediment, to come in person; that then the above-mentioned Earl of Morif, Seneschal of Scotland, and Master James Douglas, or their forces aforesaid, shall confirm and make good all that is above-named.

"When the said Earls of Lancaster and Hereford, and their allies shall have their quarrel decided, they shall use all their endeavours that a good peace be concluded between the two kingdoms of England and Scotland; so as that the one side may enjoy their country of Scotland in as peaceable manner as the other theirs of England."

And farthermore, seeing the said traitors, who adhered to Thomas, Earl of Lancaster, have lately, by force of arms with their army, entered into the castle and town of Gloucester, appertaining to our lord the king, possessing themselves of the said town and castle, contrary to the pleasure of our sovereign lord the king,

and there, as well as at the town of Bridgeworth, committed depredations, burnings, murders, and other crimes; and the said traitors fearing the approach of our lord the king, and his falling upon them, quitted the said town and castle of Gloucester.

And the said traitors flying away from thence as soon as they could to the said Thomas, Earl of Lancaster, as unto their chief refuge, captain, and defender, which said Thomas, Earl of Lancaster, hereby notoriously manifesting his treason and rebellion, entertained those his fellow-traitors, and joined forces with them, to fight against our lord the king, and to kindle a war within the kingdom, as aforesaid, and put his men, together with his before-mentioned fellow-traitors, to lay siege to the king's castle of Tikhal, and brought some engines to throw great stones into the said castle, and at the men who defended the same for our lord the king, and continually, for the space of three weeks together, battered and assaulted the same, and slew some of the men who were within it.

And afterwards, the said earl of Lancaster, when he had perpetrated all the above related crimes, violences, and offences, betook himself to flight, as aforesaid, directing his march towards the said Scots, who were enemies to our sovereign lord the king and his kingdoms, until he came to the above-named Borough-Brig, where he was taken as aforesaid.

Wherefore, our sovereign lord the king, having duly weighed the great enormities and offences of the said Thomas, Earl of Lancaster, and his notorious ingratitude, has no manner of reason to shew any mercy to him, in reference to the pardoning of those crimes, already mentioned, for which he is condemned.

Nevertheless, because the said Earl Thomas is most highly and most nobly descended, our sovereign lord the king, having due regard to his high birth and quality, of his own mere good pleasure remits to the said Thomas, Earl of Lancaster, the execution of two of the punishments, as aforesaid, viz. That the said Thomas shall not be drawn nor hanged; but only that execution be done upon the said earl, by beheading him.

Again, seeing Warin de Lisle, William Tochet, Thomas Mauduit, Henry de Bradeborn, William Fitz-William, and William Cheyney, being in like manner taken, and for the treasons, murders, burnings, depredations, and divers other felonies by them committed, were, by the marshal, brought before our lord the king, the aforesaid earls, barons, and other great men of the kingdom, being there present, our lord the king calls to mind that the said Warin, and the others before-mentioned, came with the said Thomas, and other traitors and enemies to our king and kingdom, to Burton-upon-Trent, with banners displayed as in open war, and in an hostile manner resisted and stopped our lord the king, his men, and family, for three whole days together, so as that they could not pass over the bridge of that town, there wounded some of the king's men, and others feloniously slew; and when they saw the king pass over the Trent towards them, with a great power, the said traitors and enemies of the king and kingdom set fire

to the aforesaid town of Burton, and feloniously burnt part of the houses and goods, and so drew out into the field in the company of the said Earl Thomas, and other traitors, and there put themselves in array, with banners displayed, in the army of the said Thomas and other traitors, and enemies of the king and kingdom, to attend the coming up of the king, and to wage war against him, contrary to their homage, fealty, and allegiance; and fled from thence, together with the said Thomas and other traitors and enemies of the king and kingdom, as far as Borough-Brig, in a felonious manner robbing the king's liege subjects, and the country before them.

And there, at Borough-Brig aforesaid, they attacked, in a hostile manner, with horse and arms and banners displayed, the king's liege subjects, who had authority from him to resist traitors and enemies of the king and kingdom; some of whom they wounded, and others they feloniously slew, contrary to their homage, faith, and allegiance.

And there was nothing wanting in the said Warin and the rest, but that they, together with the aforesaid Thomas, and the others his fellow-traitors, would have beat and overcome the king himself.

All which treasons, murders, burnings, depredations, and hostilities, with horse and arms, and banners displayed, are manifest and notorious, and known to the earls, barons, gentlemen, and commonalty of the kingdom.

And therefore it is adjudged, that the said Warin and others, shall be drawn and hanged for the said treasons, murders, depredations, and robberies.

Given by the king at York, May 2d.

The unfortunate earl, in pursuance of the sentence, was on the very same day beheaded at Pomfret.

The earl was not only the greatest peer in England, but it was believed in all Christendom; for when he began to levy war against the king, he was possessed of five earldoms, which were those of Lancaster, Lincoln, Salisbury, Leicester, and Derby, besides other lordships, lands, and possessions. Many resorted to his grave, and it was given out that some miracles had been performed; he was reputed for a saint by many, and the affair was carried so far that the king was forced to give an order to shut up the church-door of the priory where he was buried.

TRIAL BY COMBAT,
BETWEEN HENRY PLANTAGENET, OR BOLINGBROKE,

THEN DUKE OF HEREFORD, AFTERWARDS OF LANCASTER, AND KING OF ENGLAND BY THE NAME OF HENRY IV., AND

THOMAS MOWBRAY,

DUKE OF NORFOLK, EARL-MARSHAL OF ENGLAND, IN THE YEAR 1397, AND 21ST OF RICHARD II.

THE duke of Hereford one day, in familiar conversation with the duke of Norfolk, complained that the king undervalued the princes of the blood, and discountenanced the nobility from intermeddling with public affairs; that instead of these he was led away by upstart favourites, who had neither abilities for peace or war, but were generally hated and despised throughout the kingdom; but the duke of Norfolk, who seemed at first to approve of what the other said, misrepresented his words to the king, and named the quarrel between them.

Other authors, however, relate, that in a parliament held at Shrewsbury, the duke of Hereford accused the duke of Norfolk of certain words that passed between them, as they rode between Brentford and London, which tended to the king's dishonour, and he presented a petition to the king, wherein he challenged the duke of Norfolk to single combat. The petition was read in the king's presence before both the dukes; upon which the duke of Norfolk declared, "That whatever the other said to his dishonour, was a lie." Then the king asking the duke of Hereford what he had to say; he took his hood off his head, and replied, "My sovereign lord, I justify every word contained in my petition, and declare, that Thomas Mowbray, duke of Norfolk, is a traitor, false and disloyal to your majesty, to your crown and dignity, and all the states of your realm."

The duke of Norfolk being asked what he had to say, answered, "Right dear sovereign, with your leave, and all due deference had to your majesty, I say that your cousin, Henry of Lancaster, duke of Hereford, lies, like a traitor as he is, in that he hath or shall say any thing dishonourable of me." Then said the king, "No

more, we have heard enough." He, then, commanded Thomas Holland, duke of Surrey, made marshal of England for the occasion, to take both the dukes into custody. The duke of Lancaster, Hereford's father; the duke of York, his uncle; the duke of Aumarle, his first cousin, constable of England, and the duke of Surrey, were bound for him; but the duke of Norfolk was not suffered to give bail, and was conveyed a prisoner to Windsor Castle.

A day was appointed, about six weeks after the dissolution of the parliament held at Shrewsbury, for the king to go to Windsor in order to determine the difference between the two dukes who had challenged one another. A scaffold was erected within the castle for the king, and the nobility and prelates to sit on; and, having taking their places, the two dukes were brought before the king, and Sir John Bushy, in the king's name declared to all present, "That whereas the duke of Hereford had presented a petition to the king, who was ready to administer justice to all persons that demanded it; he, therefore, would now hear what both had to say;" but first he commanded the dukes of Aumarle and Surrey to go to the appellant and defendant, and to require them to accommodate matters; but both of them resolutely answered, "*It was impossible for them to be reconciled.*" The king, then, commanded that they should forthwith be brought into his presence.

The king himself, upon their appearing before him, exhorted them to be reconciled, saying, "It would be their best way." Upon which the duke of Norfolk, having made his obedience, said, "It could not be done, and his honour saved." Then the king asked the duke of Hereford, "What it was that he demanded of the duke of Norfolk, and what was the reason they could not be reconciled?" Upon this a knight appeared, and having obtained leave to speak for the duke of Hereford, said, "My sovereign lord, here is Henry of Lancaster, duke of Hereford, and earl of Derby, who says, and I also for him, that Thomas Mowbray, duke of Norfolk, is a false traitor to your royal majesty, and the whole kingdom. Farther, the duke of Hereford says, and I for him, that Thomas Mowbray, duke of Norfolk, has received eight thousand nobles for the payment of

the garrison of Calais, which he has not done: again, that the said duke has been the cause of all the treasons formed in your dominions these eighteen years, and that it was through his false suggestions, and evil council, that your dear uncle the duke of Gloucester was put to death and murdered. Moreover, the duke of Hereford says, and I for him, that he will prove this with his body against the body of the said duke of Norfolk within the lists." The king growing angry hereupon, asked the duke of Hereford, whether those were his words? to which he answered, "My dear sovereign, they are; and I demand justice should be done me, and that I may engage him in combat."

Another knight, also, who obtained leave to speak for the duke of Norfolk, said, "Most dread sovereign, here is Thomas, duke of Norfolk, who answers, and I for him, that all that Henry of Lancaster has said and declared, with all due deference to the king's majesty and his council, is a lie; and the said Henry of Lancaster hath falsely and wickedly lied, like an unworthy and disloyal knight, and both has been and is a traitor against your majesty, your crown, and kingdom. This I will prove and defend as becomes a loyal knight, with my body against his. I, therefore, beseech your majesty and your council, that you would be pleased, in your royal wisdom, to consider and observe what Henry of Lancaster, duke of Hereford, such an one as he is, has said.

The king then asking the duke of Norfolk if these were his words, and whether he had any more to say; the duke answered, "Royal Sir, I own I have received such a sum in gold for the payment of the garrison of Calais, which I have done, and do aver, that that town is as well provided pursuant to your commands, as ever it has been, and that there never was any complaint made from thence to your majesty by any body against me. Most dread sovereign, as to the voyage I made into France, about the business of your marriage, I received of you no money at all, of any kind, nor for that made by the duke of Aumale and myself into Germany. I must own that I once lay in wait for the life of the duke of Lancaster, who sits there, but that he has forgiven me, and there is a good understanding between

him and I, for which I give him my hearty thanks. This is what I have to answer, being ready to defend myself against my adversary; and, therefore, I beseech your majesty that I may have a combat with him, and that righteous judgment be given thereupon."

The king having for a short time advised with his council, the two dukes were again commanded to appear, and his majesty having commanded them once more to be asked, whether they would not agree and be friends, they both absolutely refused it; and the duke of Hereford at the same time throwing down his gauntlet, the other took it up.

The king being thus fully assured of their obstinacy, swore by St. John the Baptist, that he would no longer endeavour to reconcile them; and, therefore, Sir John Bushy, in the king and council's name, declared, that it was their resolution and pleasure that they should have a day of battle appointed them at Coventry.

The appointed time being come, the king went to Coventry, where the two dukes were ready, according to the rules and orders prescribed. They had, each of them, a splendid retinue of noblemen and gentlemen. The king had ordered a stately theatre to be built, and royal lists erected. The duke of Hereford, on the Sunday before they were to engage, went, after dinner, to wait upon the king, who had taken up his lodgings in a tower belonging to Sir William Baget, about a quarter of a mile out of the town; and the duke of Norfolk, next morning about break of day, went also to court to take his leave of the king. The duke of Hereford armed himself in his tent, which was pitched near the lists; and the duke of Norfolk put on his armour between the gate and the barrier of the town, there being a fine thick wood towards the gate.

The duke of Aumale, high-constable of England for the day, and duke of Surrey, earl-marshal, placed themselves, well armed and appointed, between them; and when their time arrived they entered the lists, with very great retinues of servants, clad in rich liveries, every man having a tip-staff in his hand to keep the field clear.

About the hour of *prime*, came Henry, duke of Here-

ford, to the barriers of the lists, mounted on a white courser, with his caparison of blue and white velvet, richly embroidered with swans and antilopes, and armed at all points. The constable and marshal came to the barriers, and asking him who he was, he answered, "I am Henry of Lancaster, duke of Hereford, and come hither to do my endeavours against Thomas Mowbray, duke of Norfolk, so as to prove him a traitor, false to God, the king, kingdom, and myself." Having thus spoke, he took his oath upon the holy evangelists, that his quarrel was just and true; and, therefore, demanded liberty to enter the lists. Upon which he put up his sword, (which before he held drawn in his hand) pulled down his beaver, and signing himself with the cross, took his spear in his hand and passed the barriers, dismounted, and sat down in a green velvet chair, placed on a cloth of green and blue velvet at one end of the lists.

Soon after king Richard himself entered the field with great splendour and magnificence, being attended by most of the peers of the realm; and, among others, the count de St. Paul, who came from France on purpose. The king had a train of about ten thousand men, to keep the peace and prevent tumults; and when he had seated himself, a king of arms made a proclamation, forbidding all persons, in the name of the king, the high-constable and marshal, to approach or touch any part of the lists, upon pain of death. The proclamation being over, another herald cried aloud, "Behold here Henry of Lancaster, duke of Hereford, who has entered the lists to do his duty against Thomas Mowbray, duke of Norfolk, defendant, upon pain of being adjudged a traitor and a coward."

On the other hand, the duke of Norfolk hovered on horseback before the barriers of the lists; the caparisons of his horse being of crimson velvet, richly embroidered with silver lions and mulberry-trees. He first took his oath that his quarrel was just, before the constable and marshal, and the nentered the field, crying aloud, "God assist the just cause!" and then alighting from his horse, placed himself in a crimson velvet chair, at the other end of the lists, opposite to his adversary.

This done, the marshal viewed their spears, to see that they were of equal length; he delivered one spear himself to the duke of Hereford, and the other he sent by a knight to the duke of Norfolk. Then proclamation was made by a herald, that the floor-cloth and chairs of the combatants should be removed, and commanded them, in the king's name, to mount, and prepare for the encounter.

The dukes soon mounted, and closing their beavers, cast their spears into their wrests, and when the trumpet sounded, Hereford advanced some paces with a great semblance of courage towards his enemy. The duke of Norfolk was just beginning to advance, when the king threw down his warder, and the heralds cried "Ho! Ho!"

Then the king was pleased to command that their spears should be taken from them, and that they should return to their respective chairs again. There they remained two hours, while the king was deliberating with his council what was most proper to be done to terminate this grand controversy without bloodshed. Having, at length, come to a final resolution, the herald commanded silence, and Sir John Bushey, the king's secretary, read the sentence from a long roll of paper, to this effect: "That Henry, duke of Hereford, shall, within fifteen days depart the kingdom, and not return before the expiration of the term of ten years, and this upon pain of death, except the king pleases to repeal the sentence. And that Thomas Mowbray, duke of Norfolk, because he has sown sedition in the realm by his words, should likewise depart the kingdom, and never return into England, nor come near the confines thereof, upon pain of death; and that the king should receive the income of his estate, till such time as those sums of money, which he had received for the payment of the garrison of Calais, were fully repaid and satisfied."

The sentence being read, the king commanded both the parties to come before him, and make oath that they would never, willingly, come into each others company, or hold any correspondence whatever. It was also decreed, that no one thence forward should

presume to petition the king in behalf of either of the parties.

The duke of Norfolk, in great discontent of mind, departed for Germany, and thence he travelled to Venice, where he died soon after.

The duke of Hereford took his leave of the king at Eltham, where he commuted four years of his banishment. In going thence, the people in all places flocked to see the duke, and bewail his misfortune and their own, as they looked upon him as the bulwark of the country.

In three years he took advantage of the king's absence in Ireland, to return, when a general insurrection taking place in his favour, the king was obliged to abdicate, and he succeeded to the throne, under the title of Henry IV. to the exclusion of the children of the duke of York, the next in hereditary succession, and hence the subsequent civil wars.

RICHARD FITZ-ALAN, EARL OF ARUNDEL,

FOR TREASON, IN THE 21ST OF RICHARD II.

Richard Fitz-Alan, the sixth earl of Arundel of that illustrious family, made a great figure in the history of his time. In the second year of the reign of King Richard II. he was made admiral of the fleet in the western seas, and soon after to the southward; about five years after which, he was engaged in the war against Scotland. In the 9th of that king, he was joined in commission with the duke of Lancaster for the trial of Michael de la Pool, and others of the king's favourites, which laid the foundation of his ruin in the king's affection. The year following he was constituted admiral of the whole fleet, and obtained a memorable sea-victory over the Flemings, French, and Spaniards; and, likewise, destroyed the French forts at Brest. But he was about this time, through the envy of the duke of Ireland, in danger of being cut off: whereupon he, with

the earl of Derby, afterwards king of England, and the earl of Warwick, taking umbrage and raising forces, soon met at Haringhay Park; but others interposing their good offices a pacification ensued, which ended in the ruin of several persons who misled the king. Things taking a turn thus in favour of the earl, he was by general consent in parliament made governor of the town and castle of Brest; and soon after being admiral, lieutenant, and captain-general of the sea, with commission to treat of a peace with John de Montford, then duke of Bretagne; and setting sail, he soon met the enemy, whom he defeated. He sunk and took eighty of their ships, and burned and spoiled several places on shore, putting to flight all that made any resistance.

But the scene changing very much about the 15th of the same reign, he was removed from being admiral; and, two years after, seeing the stream run violently against him, he obtained a dispensation from attending the parliament then sitting; but it proved no security to him at last, for the king being inveterate against him and others, who had formerly been active against his favourites, he worked him on with fair promises till he had got him into his power, and sent him prisoner to the Isle of Wight, from whence he was brought to his trial.

A pact parliament chiming in with the king's desires, soon made void all charters of pardon, and particularly a second special pardon which the earl of Arundel had obtained for himself; upon which the appellants laid treason to his charge, especially the insurrection formed by him at Haringhay Park near Highgate.

The brave earl of Arundel was arraigned in a red gown and scarlet hood; and John, duke of Lancaster, the king's uncle, who was high-steward of England for the day, seeing him thus apparelled, commanded lord Nevil to take off his hood and girdle.

The articles of appeal being first read, the lord-high-steward declared to him, that he had been taken up and imprisoned for his manifold treasons and rebellions against the king, and that he was now, upon the address of the Lords and Commons, required to answer for such crimes as were to be laid to his charge, and so either

clear himself or suffer for his offences according to law; then he more especially charged him with having traitorously rose in arms, with the duke of Gloucester and the earl of Warwick, against the king, in breach of the peace and to the disquieting of the realm.

His answer was, "That this was not done by him with any ill intentions against the king his sovereign's person, but rather for the benefit of the king and kingdom; if people would put a right construction upon it, and took it as it ought to be."

Being charged with being a traitor, this he denied with a noble resolution of mind, and insisted to have the benefit of the pardon which had been granted him, protesting that he would not recede from the favour of the king and his grace.

Here the duke of Lancaster said to him, "Thou traitor, that pardon is revoked."

The earl replied, "Thou liest, I never was a traitor."

To which the lord-high-steward rejoined, "Why didst thou purchase thy pardon of the king, if thou wert not conscious of any guilt?"

He answered, "He did not do this out of fear of any crimes committed by him, but to put a stop to the malicious aspersions of those who neither loved the king nor himself; but were his implacable enemies, among whom, said he, thou art one; and as for my being guilty of any treason, I am sure thou hast more occasion for a pardon than I."

The king now commanded him with his own mouth to make his answer to the appeal; to which the earl replied, "I cannot but discern that these persons have accused me of treason, and produced their appealments; but I do aver that they all lie, for I never was a traitor; but I do still insist upon the benefit of my pardon, which your grace was pleased to grant me within these five or six years, when you were at full age, and of your own free will and pleasure."

The king said, thereupon, that he had granted it in such a manner that it should not be against himself; and the duke of Lancaster added, "Then it signifies nothing." To which the earl answered, "As to such a sort of pardon, I know less of it than thou dost, who wert at that time beyond sea."

Sir John Bushy, speaker of the House of Commons, taking the word, said, "That pardon is revoked by the King, the Lords, and his faithful Commons."

The earl answered, "Where are those faithful Commons? I know thee and thy companions very well, that you are got together, not to do justice, for the faithful Commons of the land are not here; and, therefore, the people commiserate and bewail my hard fate; and I very well know, that thou hast ever been a perfidious fellow."

Upon which Bushy and his adherents cried out, "Pray observe, our sovereign lord and king, how this traitor endeavours to raise jealousies between us and our representatives in the country." The earl then boldly answered, "You lie, I am no traitor."

The earl of Derby now stood up and said, "Didst not thou say then to me at Huntingdon, when we first drew together in order to make an insurrection, that the most advisable thing of all was in the first place to seize the king's person?"

The earl of Arundel replied, "Thou liest in thy teeth; I never entertained a thought concerning my sovereign lord the king, but what was just and made for his honour."

Now the king took the noble prisoner up again, saying, "Didst thou not say to me, in the time of thy parliament, in the bath behind the Whitehall, that Sir Simon de Burley deserved to be put to death upon several accounts? and I made answer, I know no reason why he should suffer death; and yet you and your companions traitorously took his life from him."

Finally, the lord-high-steward asked the earl, "Whether he had not associated himself with the persons above-named; and in conjunction with them entered in arms into the king's presence, against his royal will and pleasure?" To this he answered, "That he could not deny but that he did so;" and this is the only question he answered in the affirmative.

Here the speaker, Sir John Bushy, with a loud voice, moved that judgment might be pronounced upon the earl, as a traitor, and directing himself to the king, said, "Your faithful Commons ask and require it may be

done accordingly. The earl, turning his head aside, calmly replied, "They are not the king's faithful commons that require this, but thou, and what thou art I very well know."

Then the eight appellants, standing on the opposite side, threw down their gloves, and offered to fight with him man to man, to justify the prosecution of their appeal, which had already been read: upon which the earl spoke thus; "If I were at liberty, and that it might stand with the pleasure of my sovereign, I would not refuse to prove you all liars upon this account."

The Duke of Lancaster, lord-high-steward, here asking the earl, "Whether he had any more to say in answer to the charge which had been exhibited against him?"—He replied, "That the king had been graciously pleased to grant him a general pardon," which he insisted might be allowed of.—The duke told him, "That pardon was annulled by the prelates, peers, &c. in parliament, and therefore advised him to make some other answer."—The earl told him again, "He had another pardon under the king's great seal, granted him long after by the king's own motion;" which he also insisted to have allowed.—The duke told him, "the same was also made void."

The earl, offering to say no more in his own defence, the lord-high-steward pronounced sentence upon him, as in cases of high-treason, in these words:—"Richard, I John, Steward of England, adjudge thee to be a traitor, and condemn thee to be drawn and hanged, and to be beheaded and quartered, and thy lands, both entailed and not entailed, from thee and the descendants of thy body, to be confiscated." Here the duke, having made a short pause, he proceeded, saying, "The king, our sovereign lord, of his mere mercy and favour, because thou art of his blood, and one of the peers of the realm, has remitted all the other parts of the sentence but the last, and so thou shalt only lose thy head."

He was, immediately after the sentence, conveyed through the city of London to Tower-hill, to be executed, being accompanied by six lords, who were ordered to see it done. Three of these were Thomas Mowbray, Earl of Nottingham, who had married the

Earl of Arundel's daughter; Thomas Holland, Earl of Kent, his grandson, by his daughter Alice; and John Holland, Earl of Huntingdon, Kent's uncle. They rode on stately horses, attended with a great body of armed men, and the fierce bands of Cheshire men, carrying axes, swords, bows and arrows, marching before and behind the earl; who, when he was led out of court, desired they would loosen his hands, that he might dispose of what money he had about him between that and Charing-cross.

When he came to Tower-hill, the place of execution, the noblemen that attended him pressed him very much to acknowledge his treason against the king, which he utterly refused, affirming, "He was not a traitor either in word or deed; and, perceiving the Earls of Nottingham and Kent, his near relations, were busy among the rest to forward his execution, he spoke thus to them:— "Indeed, it would have better become you to have absented yourselves, than to have been here engaged in this work; but the time will soon come when people shall be as much astonished at your misfortune, as they are now at mine." This done, and having forgiven the executioner, he desired he would not torment him long, but strike off his head at one blow. Then, feeling the edge of the sword, whether it was sharp enough; he said, "It was very well," and, kneeling down, the executioner, at one blow, severed his head from his body; both which together were conveyed to be buried in Augustin friars' church, in Bread-street.

It was commonly reported, that the king, after he had thus cut him off, was tormented with terrible dreams, fancying he saw the earl appear to him with a menacing aspect, which put him into horrible frights; and he was the more disquieted, because it was rumoured, that the people took the earl for a martyr; insomuch, that some went to visit his burying-place for the opinion they had conceived of his sanctity; and, it being whispered that his head was fastened again to his body, the king, ten days after his burial, sent some noblemen, at ten o'clock at night, to see the body taken up, and to inform him of the truth of that report; which being found to be a mere fiction, he ordered the friars

to take down his arms, which were set up near his grave, and to cover the grave in such a manner that it might not be perceived where he was buried; though there was, afterwards, a stately monument of marble erected.

Henry, Earl of Derby, afterwards Duke of Hereford and Lancaster, and at length King of England by the name of Henry IV. to act the part you have heard, against the Noble Earl of Arundel, is not known, seeing that about two years after he had got King Richard, for mal-administration, into his power, one of the articles he procured to be exhibited against him was, "That though the Earl of Arundel, upon his arraignment, pleaded his charter of pardon, yet he could not be heard, but was, in a most vile and shameful manner, suddenly put to death;" and he took care that Thomas, the earl's son and heir, should, in the first year of his reign, be restored in blood, and the judgment against his father reversed.

RICHARD, EARL OF CAMBRIDGE,

FOR TREASON AGAINST HENRY V.

Richard, Earl of Cambridge, was the second son of Edmund of Langley, Duke of York (fifth son of king Edward the Third) by Isabel his wife, second daughter and co-heir to Peter, King of Castile and Leon: he was sirnamed of Coningsburg, from the place of his birth in the county of York. He had married Lady Anne Mortimer, sister, and afterwards heir to Edmund, Earl of March, and daughter of Roger Mortimer, Earl of March, son of Philippa, only daughter and heir of Lionel, Duke of Clarence, third son of King Edward II., which house of Clarence and its descendants had certainly a prior right to that of Lancaster, which was but the fourth. By whom this conspiracy was first moved, how formed, and after what particular manner to be executed, we cannot meet with any account. History informs us, that they promised the French king, Charles VI., for a million of gold,

to kill Henry in his voyage; or, if they could not do that, to deliver him into his power: and that they might make their treacherous design to look the more plausible, they discovered it to Edmund Mortimer, Earl of March, pretending it was out of a real desire of restoring him to his right, that they had taken up such desperate resolutions; and though they expected not his concurrence, yet they must expect an oath of security from him for their own safety, in a matter of so great danger to themselves, as well as of importance to him. The earl refused at first to swear to them; but being very importunate with him to do it before they parted, he at length consented, upon condition they would allow him an hour to consider of it, which they granted.

The earl having thus got his liberty to consult what he had best to do, went to the king, and discovered the whole plot, as they had related it to him, advising him to provide for his own safety. The king, though much surprised at the baseness of his friends, yet did not so much distrust the discovery as to neglect himself. Before he discovered what he knew of the conspiracy, he asked the conspirators themselves, "What those deserved that could be guilty of such a treason?"—"They merited," said the traitors, "to expire in horrid torments, to deter others from the like crimes." Then the king causing them to be apprehended, they were brought to an examination before himself and the nobles present with him, and they confessed the crimes laid to their charge.

The indictment ran thus:

"That Richard, Earl of Cambridge, of Coningsburg, in the county of York, and Thomas Grey, of Heton, in the county of Northumberland, knt. had, on the 20th of July, in the third year of the reign of King Henry V. at Southampton, conspired, together with a power of men, to have led away the Lord Edmund, Earl of March, into Wales, and to have procured him to take the government of the realm, in case that King Richard II. was dead, with a purpose to issue out a proclamation, in the name of the said earl, as heir to the crown, against King Henry, by the name of Lancaster, usurper; and farther, to have conveyed a banner of the arms of England, and a certain crown of Spain, set upon a pallet (laid in gage to the said earl of Cambridge) into Wales; as, also, that the said conspirators had appointed certain

persons to go into Scotland, to bring thence one Trumpington, and another, resembling, in shape, favour, and countenance, King Richard; and Henry, Lord Scroop, of Masham, was likewise indicted, as consenting to the premises."

The Earl being thus indicted was found guilty; but by whom, and after what manner and form, they are wholly silent. The following commission from the king to his brother the Duke of Clarence, may puzzle rather than elucidate the proceedings.

"*The King to his most dear Brother, Thomas, Duke of Clarence, greeting,*

"Be it known unto you that We,

"Confiding in your fidelity, circumspection, and industry,

"Do constitute you to be our lieutenant and vicegerent, to hear the record and process before our trusty and beloved John, earl marshal, and others, our justices aforesaid, with him, and appointed to hear and determine several treasons, felonies, conspiracies, and confederacies, done and perpetrated in the county of Southampton.

"And to do justice in reference to Richard, Earl of Cambridge, knight, and Henry, Lord Scroop, of Masham, knight, on this present Monday, as things shall appear to you, according to the record and process above-mentioned, you being called the peers of the said Earl and Lord Scroop, by yours and their peers assent, and, finally, to proceed to the execution of the sentence upon them.

"We, yielding and giving unto you full power, authority, and special command, by these presents, to do, exercise, and grant, in our name, all and singular things, in the same manner as we should or might do ourselves, if we were there present, promising that we shall accept, ratify, and hold good, whatever shall be done, acted, or yielded to by you in our name, in the premises, or any of them.

"We also give strict charge to the aforesaid judges and others, to whom it may belong, by virtue of these presents, that they do attend, and give their advice to you, as becomes them, in respect to the premises transacted by you in the aforesaid form.

"For we do command the said judges, that they do produce, before you, on the day prefixed, the aforesaid record and process, with every thing that relates to them.

"In witness whereof, &c.

"Witness ourself, at Southampton, on the 4th of August.

"By the King himself."

The earl, not to be wanting to himself, wrote the following letter and petition to the king on the 6th of August; which, because you may have a taste of some of the best English which was written in that time, we

given from the record, in his own language and orthography:

"Richard, Earl of Cambridge.

"My most dreadfulle and Sovereyne Lege Lord.

"Lyke to zowre hynesse, to wete, touchyng the purpose cast agens zower hye Estate, havyng the Earl of Marche by his owne assent, and by the assent of my self, (whereof Y most me repent of all wordly thyngs) and by the accorde of the Lord Scrop and Sir Thomas Grey, to have hadde the forseyd Earl intre the lond of Walys without yn zower lycence, takyng upon hyn the sovereynte of zis londzyf yonder mains persones whych they callen Kyng Richard hadde nauth benc a lyve, as y wet wel that he wyz not a lyve.

"For the wych poyns I putte me holy in zowre grace.

"And, as for the forme of a proclamatyoun, wych schulde hadde bene cryde in the Earle Name, as he heyre to the coronne of Yngland, ageyns zow, my lege lord, calde, calde by an untrou name, Henry of Lancastre usurper of Yngland, to the entent to hadde made the more pople to hade drawne to hym and fro zow.

"Of whych crye Scrope knew not of by me, but Grey dyd, haveyng wyth the earle a baner of the armes of Ynglonde, havyng also the coroune of speyne on a palet, wych my lege lord, is one of zowre weddys.

"For the wych offence Y putte me holy in zowre grace.

"And, as for the purpose, takyn by un frovyle and Wederyntoun, for the bryngying of that persone, wych they name Kyng Richart, and Henry Percy, oute of Scotland, wyth a power of Scottys, and theyre power togedirs semynge to theyre able to give zow a battaylle, of the wyck entent, Syr Thomas Grey wyst off, I also but nauth Scrop as by me, of the wych knowyng I submitte me holy unto zewre grace.

"And as for the taking of zowre castelles in Walys, Davy Hawel made me behost so there were a steryng in the north, of the wych peynte I putte me holy in zowre grace.

"And as touchyng the Erle of Marche and Lucy hys man, they seydyn we both that the erle was nauth schreven of a gret whyle, but as at hyes confestours, putte hym in penance to clayme that they callyddyn hys ryth that woo be that tyme that ever I knew heny thyng that ever to hym longyd, of the which poyntes and artycles here before wretyn, and of all odyr wych now arne nuoth in mynde, but trwly as it as heny to my mynd fallyn, I se has dwly treuly certefye zow thereof.

"Bysekyng to zow my lege lord for hys love that suffryd passooun on the Good Fryday, God have zee compassyoun on me zour lege man.

"An dys heny of these persones, whose names arne contenyd in ziz ylle, woldyn contrary the substance of this I have wretyn at ziz time, I schalle be ready, with the myth of God, to make them good as zee my lege lord, wylle awarde me."

His petition.

" My most dreadfulle and sovereyne lege lord.

" Richard York zowre humble subgyt and verry legeman, bezeke zower grace of all manner offences wych I have done, or assentyd to in heny kinde, by steryng of oder folhe eggynge me there to, whereyn I wote wel I have hyle offendyd to zowre hynesse.

" Besechyng zow at the reverence of God, that zow to take me into the hands of zowre mercyful and pytouse grace, thenkyng zee wel of zower gret goodnesse.

" My lege lord, my fulle truste in that zee wylle have consideratioun thanuth that myn persone be of none valew zowre by goodnesse, where God hath zet zow in so hye estat to every legeman, that to zow longyth plenteosely to geve grace, that zow like to accept zys myn symple request, for the love of our lady, and of the blyssfulle holy gost.

" To whom I pray, that they mot zewre hert enduce to a pyte and grace for theyr hye goodnesse."

It could little be expected that Henry would spare the earl's life; and therefore the earl, Scroop, and Grey, were beheaded, and the earl's head and body interred in the chapel of God's-house at Southampton. The king granted a pardon to the Earl of March, bearing date on the 7th of August, the same year, at Southampton, in the usual form, but he died afterwards without issue; the Earl of Cambridge's son, by Edmund's sister, becoming heir to the house of Clarence, laid claim to the crown, and the unfortunate Richard's grandson actually dispossessed the house of Lancaster, and obtained it by the name of Edward IV.

THOMAS CROMWELL, EARL OF ESSEX,

FOR TREASON.

Cromwell had some of the same enemies as Queen Anne of Cleves, more particularly the house of Norfolk. The king had raised him from a mean origin, being a blacksmith's son of Putney in Surrey, to be next man to himself and the royal family in the kingdom; he was vicegerent of England; besides which, he was lord-privy-seal, lord-chamberlain, and master of the rolls.

These things occasioned him to be envied by all classes of people; and his aspiring to the order of the garter was obnoxious to the nobility, and particularly to the Duke of Norfolk.

After the six bloody articles about religion were made in King Henry's reign, by which some papists as well as protestants suffered death, the king, retaining still great kindness for Archbishop Cranmer, sent, the next day, the Dukes of Norfolk and Suffolk and Cromwell, to dine with the Archbishop; ordering them to assure him of the king's constant and unshaken affection for him. When they were at table with him at Lambeth, they launched out much in his praise, and acknowledged he had opposed the bill with much learning, gravity, and eloquence; that even those who dissented from him, were much struck with what he had said, and that he needed not to fear any thing from the king.

Cromwell seized this opportunity of saying that the king made this difference between the archbishop and the other privy-counsellors; that when complaints were made against them, the king received and examined the truth of them, but that he would not so much as hearken to any complaints against the archbishop. From thence he proceeded to make a parallel between himself and Cardinal Wolsey; that the one lost his friends by his pride and haughtiness, but that the other won the hearts of his enemies by his mild and gentle disposition; upon which the Duke of Norfolk said, "He could give the best account of the cardinal, for he knew him well, having been his servant." Cromwell, being nettled at this, answered, "That though he had served him, yet he never liked his conduct; and was never so fond of him as to have attended him to Rome, if he could have obtained the papacy, as he understood the duke would have done." Now the duke, denying the matter of fact, and Cromwell persisting in asserting it, and adding, withal, the number of florins he was to have to be his admiral, to convoy him safe to Rome; the duke replied, with a deep oath, that he lied, with other reproachful language. But though the contention was, by the interposition of the

good archbishop and nobles there present, allayed and pacified, yet it took such deep root in the mind of the duke, as was thought had an influence on Cromwell's ruin.

Cromwell being also a great promoter of the reformation, all the popish party, of which the duke was, bore an inveterate hatred of him; besides, as he was esteemed to be the person who had kept the king and the emperor at such a distance, he was particularly hated by the duke and Gardiner, on that account, and they thought it not impossible, if they could get rid of him, to make a treaty between them, from whence they expected a way might be opened for one with the pope.

We may, notwithstanding what has been already mentioned, observe, that the king's great aversion to the queen, and his being struck with the beauty and behaviour of Mrs. Catherine Howard, a daughter of the Lord Edmund Howard, the Duke of Norfolk's brother, was another secret cause of his fall.

Moreover, the king finding his government grown uneasy to his people, took it to be no ill policy to throw all miscarriages upon a minister who had great credit with him, in order to clear himself, and make them more moderate in censuring his actions. His fall was however so secretly carried on, that though he had often before expected it, as being well acquainted with the king's capricious and jealous temper, yet, at that time, he had no apprehensions of it; and he was suddenly, on the 13th of June, 1540, even at the council-board, accused of high-treason by the Duke of Norfolk, arrested, and sent prisoner to the Tower.

Cromwell's ruin was now decreed, and though the manner of proceeding did not look just, yet it seemed to be a very exact retribution of providence, that he, who had but the year before so servilely complied with the king's humour, in promoting some to be attainted, without being brought to make their answer, should fall under the same severity himself. These were the Marchioness of Exeter and Countess of Salisbury, Cardinal Poel's mother.

Whether it was that his enemies knew that if he was brought to the bar, he would so justify himself, that

they would find great obstructions in the process; or whether it was that they blindly resolved to follow his own unjustifiable precedent, of passing over so necessary a rule in all courts, of giving the party accused a fair and full hearing; a bill of attainder was brought into the House of Lords, Archbishop Cranmer being absent, as appears by the Journal of the 17th of June, and read the first time, and on the 19th was read the second and third time, and sent to the commons for their concurrence; so the business remained there ten days, and, at length, a new bill of attainder was sent up of the drawing of the House of Commons, with a proviso annexed to it; and the king gave his royal assent to it on the very same day.

The act of attainder imported,—

"That the king having raised Thomas Cromwell from a base degree, to great dignities and high trusts, yet he had now, by a great number of witnesses and persons of honour, found him to be the most corrupt traitor, and deceiver of the king and crown, that had ever been known in his whole reign.

"That he had taken upon him to set at liberty divers persons clapt into prison for misprision of treason, and others that were suspected of it.

"That he had given out many commissions, without the king's knowledge; and, being but of base birth, had said, 'That he was sure of the king.'

"That he had granted many passports, both to the king's subjects and foreigners, for passing the seas, without search.

"That he, being also a heretic, had dispersed many erroneous books among the king's subjects, particularly some that were contrary to the belief of the sacrament; and when some had informed him of this, and had shewed him those heresies in books printed in England, he said, 'They were good, and that he found no fault in them;' and said, 'that it was as lawful for every christian man to be the minister of the sacrament as a priest.'

"And that, whereas the king had constituted him vice-gerent for the spiritual affairs of the church, he had, under the seal of that office, licensed many that were suspected of heresy, to preach over the kingdom, and that he had, both by word of mouth and in writing, suggested to several sheriffs, it was the king's pleasure they should discharge many prisoners, some of whom were indicted, and others apprehended, for heresy. And when many particular complaints were brought to him of detestable heresies, with the names of the offenders, he not only defended the heretics, but severely checked the informers, and vexed some of them by imprisonments and other ways; the particulars of all which were too tedious to be recited. And he, having entertained many of the

king's subjects about himself, whom he had infected with heresy, and imagining he was by force able to defend his treasons and heresies, on the last of March, in the 30th year of the king's reign, in the parish of St. Peter's the Poor, in London, when some of them complained to him of the new preachers, such as Barnes and others, he said, 'That their preaching was good,' and said, among other things, 'that if the king would turn from it, yet he would not turn; and, if the king did turn, and all his people with him, he would fight in the field, in his own person, with his sword in his hand, against all others;' and then he pulled out his dagger, and held it up, saying, 'or else this dagger thrust me to the heart, if I should not die in that quarrel against them all, and I trust, if I live one year or two, it shall not be in the king's power to resist, or let him, if he would,' and, swearing a great oath, said, 'I would do so indeed.'

"That he had, also, by oppression and bribery, raised a great estate for himself, and extorted much money from the king's subjects, and being grown very rich, treated the nobility with contempt.

"And that, on the last of January, in the 31st year of the king's reign, in the parish of St. Martin's in the Fields, when some had put him in mind to what a pitch the king had raised him, he said, 'If the lords should handle him so, he would give them such a breakfast as was never made in England, and that the proudest of them should know it.'

"For all which treasons and heresies he was attainted to suffer the pain of death, for heresy and for treason, as should please the king, and to forfeit all his estate and goods to the king's use, that he had on the last of March last, in the 31st of the king's reign, or since that time."

There was, also, added to this bill a proviso, that this should not be injurious to the Bishop of Bath and Wells, and to the Dean and Chapter of Wells, with whom, it seems, he had made some exchanges of lands.

He wrote a long and feeling letter to the king, who, haughty as he was, and so much prejudiced against Cromwell, caused his letter to be read thrice to him, and was much moved with it; but the charms of Katharine Howard, and the solicitations of the Duke of Norfolk and the Bishop of Winchester, at length prevailing, he was, after he had been a prisoner six weeks, brought forth to execution on the 28th of July.

Being on the scaffold, his affection to his son made him very cautious in what he said; he declined to justify himself, but said, he was by law condemned to die, and thanked God for bringing him to that death for his offences. He acknowledged his sins against God, and his offences against his prince, who had raised

him from a base degree. He declared that he died in the catholic faith, not doubting of any article of faith, or of any sacrament of the church, and denied that he had been a supporter of those who had delivered ill-opinions; he confessed he had been seduced, but now died in the catholic faith, and desired them to pray for the king, and for the prince, and for himself, and then prayed very fervently for the remission of his past sins, and admittance into eternal glory. Having given the sign, the executioner severed his head from his body.

Whether the king lamented his death, when it was too late, is not very certain; but the fall of the new queen, and the miseries that overtook the Duke of Norfolk and his family some years after, were looked upon as scourges from heaven, for their cruel persecution of this great but unfortunate minister.

THOMAS HOWARD, DUKE OF NORFOLK, AND HIS SON THE EARL OF SURREY,

FOR TREASON, IN THE LAST YEAR OF THE REIGN OF HENRY VIII. ANN. 1547.

The origin of the Duke of Norfolk's misfortunes proceeded from his own house and family; his Duchess Elizabeth, daughter to Edward Stafford, Duke of Buckingham, beheaded, having for many years entertained violent jealousies of the duke her husband, it broke out, at last, into open rancour; and, not being content to have surmised long before two articles against him, she, in several letters to the lord-privy-seal, averred both the articles, accused some of the duke's confidants, recited several injuries, pretended to have been received from them, and, in short, discovered all the usual passions of her offended sex.

These intestine animosities were secretly fomented divers ways; among others, one Mrs. Holland, thought to be the duke's favourite, to preserve herself was not

a little active; so, also, was the Earl of Hertford, who knew nobody, after the king's decease, so capable to thwart him as the duke, in the honour he aspired to of being protector.

Sir Richard Southwell was the first that deposed some things against the earl, concerning his infidelity to the king, upon which the duke interesting himself in his son's behalf, they were both committed to the Tower: and here Mrs. Holland coming openly upon the stage, deposed, "That the duke had told her, none of the king's council loved him, because they were not themselves noblemen born, as also because he believed truly in the sacrament of the altar; that the king loved him not, because he was too much beloved in his own country; but that he would follow his father's rule, which was, 'That the less others valued him, the more he would value himself;' that he had also complained, he was not of the cabinet-council; that the king was grown so fat and unwieldy, that he was conveyed up and down stairs by a device; that he was sickly, and would not live long; and that the kingdom, by reason of the diversity of opinions, was like to be in an ill condition; and that if he was a young man, and the kingdom in tranquillity, he would ask leave to see the vernacle, which he said was Christ's picture given to women by himself, as he went to die. As to his arms, she had not heard the duke say any thing of his own, but that he did not like his son's, but that he had got them himself he knew not where, and therefore, that she should not take pattern of his son's arms to work them with her needle in his house."

As for the Duchess of Richmond, her accusation was, "That the duke, her father, would have had her marry Sir Thomas Seymour, the Earl of Hertford's brother, advising her, at the same time, so to ingratiate herself with the king, that she might the better govern here, as others had done, which she rejected: that her father would have had the Earl of Surrey to marry the Earl of Hertford's daughter, which the other declined, as taking him to be his enemy, and that this was the reason of his father's displeasure against him. And that her brother was so much incensed against the said earl,

that the duke his father said thereupon, 'his son would lose all he had gathered together.'"

Moreover, that the earl her brother should say, "These new men loved no nobility, and if God took the king away, they should smart for it:" that her brother hated them all since his confinement in Windsor-Castle; but that her father seemed not to value their ill-will, saying, "Truth should bear him out."

As to the business of the arms, she said, "That she thought her brother had more than seven rolls, and that there were some that he had added more of Anjou and of Lancelot du Lac: that her father, since the attainder of the Duke of Buckingham, who bore the king's arms, where the arms of her mother, that duke's daughter, were quartered in his coat, had left a blank, but that her brother had resumed them: again, that instead of the duke's coronet, he put in his arms a cap of purple maintenance, with powdered fur and a crown, in her judgment much like to a close crown; and underneath the arms was a cypher which she took to be the king's H. R. As also that her father had never said the king hated him, but his council; but that her brother said the king was displeased with him, as he thought, for the loss of the great Journay, and that those who hated him, for setting up an altar in the church of Bologue, aggravated his displeasure against him; adding, withal, 'God prolong my father's life, for if he were dead, they would soon have my head.' That he spoke ill of some of the privy-council, not forgetting the old cardinal." She also repeated some passionate expressions of the earl, which tended to his disadvantage, but seemed much to favour her father's innocence.

Sir Edmund Knevet then inveighed against the earl, but in a more trifling strain than the accusation of the duchess. "That he knew no direct untruth by him, but suspected him of vanity and dissimulation; that a servant of his had been in Italy with Cardinal Pole, and was taken into his service again; that he had kept an Italian Jester, but reputed to be a spy; that the earl loved to converse with strangers, and to conform

his behaviour to them, wherein he thought he had some ill design."

It will be scarce worth while to mention the information of Thomas Pope to the council against the duke; that John Freeman told him the duke at Nottingham, in the time of the northern rebellion, should say, before a hundred persons, "That the act of common uses was the worst that ever was made;" that Freeman had affirmed those words before the late Lord Chancellor Audley.

These depositions being brought to the king's judges at Norwich, they wrote to the council, that the king's solicitor and Mr. Stamford had brought the indictments, and that they were found true, and the duke and his son were indicted thereupon of high-treason; and haste was made to transfer the indictment to London, where the brave earl, being a commoner, was tried at Guildhall, by a common jury.

In the meantime the king, though his illness increased upon him, took care to order the duke's goods to be seized, and to get all the informations that were any ways material against him.

The duke from his confinement in the Tower wrote a very pathetic letter to the king, and another in the nature of a petition to the privy-council; but finding the king, though drawing near the point of death, and about to give an account of all the cruel actions of his life, inexorable, he judged it most advisable to submit; and drew up a confession of such things wherein really he was not fully guilty, a practice not uncommon in those boisterous times, and which yet, as things then stood, were not likely to serve the duke in any stead: notwithstanding this, his submission was backed with the merits of his eminent services.

The earl being a man of great courage, and excellent parts, made a very noble defence; in which he demonstrated the falsity of the accusations, and much invalidated the reputation of the witnesses, who often gave quite a different sense to his words, to that in which they were first delivered.

As to the arms he bore, he alleged he had the

opinion of the heralds, that he had a right to them: lastly, when a witness was brought against him *viva voce*, who pretended to report some bold words of the earl, by way of discourse, which nearly touched him, and whereunto the same person returned a hasty answer; the earl appealed only to the jury and left them to judge, whether it was probable that a man should talk in such a manner to the Earl of Surrey, and he not strike him. The brave earl, notwithstanding all he could say, was borne down with the torrent, and brought in guilty of the indictment, and soon after, viz. on the 19th of January, he lost his head upon Tower-hill. This was generally condemned as an act of high injustice and severity, and indeed loaded the Seymours with a popular odium, which they could never overcome.

A parliament was called under pretence of the coronation of the Prince of Wales, but it was thought the true reason was to attaint the Duke of Norfolk, which they had not colour enough to do in a trial by his peers; therefore, an attainder by act of parliament was thought the surer and more effectual way.

The bill was read the first time in the House of Lords on the 18th of January, and, on the 19th and 20th, read the second and third time, and so it passed the lord's house, and was sent down to the commons; who, on the 24th, so great was the dispatch, sent it up also passed to the lords. The lords, on the 27th, were ordered to be in their robes, that the royal assent might be given to this cruel bill, which attainted so great a man, altogether without being heard. The lord-chancellor, with some others joined in commission with him, and by virtue of the king's letters-patent, actually did it; and the judgment would have been executed upon the duke in two or three days, had it not been prevented by the king's death, which happened on the 30th, and reserved the duke for more merciful times.

Nevertheless, so powerful were his enemies in the beginning of Edward VI.'s reign, that all persons for all crimes whatsoever, were pardoned, six only excepted, of whom the captive duke was the chief: but

surviving till the accession of Queen Mary to the throne, and that princess upon her arrival in London, after she had dispersed her enemies, going directly to the Tower, the Duke of Norfolk, Edward Courtney, son of the Marquis of Exeter, Stephen Gardiner, the deprived Bishop of Winchester, and the Duchess Dowager of Somerset, whose lord had been beheaded, presented themselves as humble suppliants, on their knees; and the queen having raised them up one after another and saluted them, said, they were her own prisoners; and ordered them to be immediately discharged.

THOMAS, LORD SEYMOUR, OF SUDLEY,

FOR TREASON, IN 1549.

EDWARD, DUKE OF SOMERSET,

HIS BROTHER, FOR FELONY, 1554.

Lord Sudley married the lady Catherine Parr, dowager of Henry VIII. a woman endued with many excellent virtues. The duke, on the contrary, had for his second wife, Anne, daughter to Sir Edward Stanhope, of Shelford, in Nottinghamshire, a woman intolerably proud, exceeding subtile, and violent in accomplishing her ends; for which she had no regard either to shame or conscience.

Having used all the artifices of her sex to bring the duke into a firm belief of his brother's machinations against his life, he yielded to the Earl of Warwick's wicked suggestions from behind the curtain, who was well pleased that her passions should be gratified, if the duke might incur hatred and infamy. Wherefore Lord Sudley was seized and sent prisoner to the Tower on the 16th of January, 1549.

He was, among other things, suspected to have poisoned his wife, that excellent woman, Queen Catherine, that he might make his addresses to the lady Elizabeth, the king's sister, one of the heirs to the crown; so that,

in fine, the parliament adjudged these proceedings to have been a traitorous aspiring to the crown. There were three and thirty articles of high-treason, and other crimes exhibited against him, as they were entered in the council-book, among which are these following:—

"It is objected and laid to your charge, that you did say openly and plainly, you would make the blackest parliament that ever was in England.

"It is objected and laid to your charge, that you have not only, before you married the Queen, attempted and gone about to marry the King's majesty's sister, the lady Elizabeth, second inheritor to the reversion of the crown, but also being then prevented by the lord-protector and others of the council, since that time, both during the life-time of the Queen, continued your endeavours that way, and pursued your amour, and after her decease, by secret and cunning devices, practised to accomplish the said designs of marrying the lady Elizabeth, to the danger of the King's majesty's person, and peril of the state of the realm.

"It is objected and laid to your charge, that you married the late queen, so soon after the king's death, that if she had conceived presently after, it would have been a great doubt, whether the child born should have been accounted the late king's or yours; upon which, great dangers and inconveniences might and was like to have ensued to the king's majesty's succession, and peace of the realm.

"It is objected and laid to your charge, that you first married the queen privately, but dissembled and concealed the same; so that a good while after you had married her, you solicited the king's majesty, and obtained a letter of his own hand-writing, to excite and require the late queen to marry you; and you likewise procured the lord-protector to speak to the queen in your favour, and persuaded her to marry you. By which fallacious practices, your evil nature and dissimulation may not only be known, but it is also to be feared, that at this time you had an intention to use the same practices in respect to the marrying of the lady Elizabeth's grace.

"Wherefore, upon consideration of all the premises with many more, the intention must be, that all these preparations of men and money, the attempt and secret practices about the said marriage, the abusing and persuading the king's majesty to dislike the government, state, and order of the realm as it now stands; and to assume the administration himself, and to confide in you, was to no other end and purpose, but that after having obtained a pretension of title to the crown, and strengthened yourself both by sea and land sufficiently, both with men and money, to have aspired to the royal dignity by some heinous enterprise against the king's majesty's person, to the subversion of the whole state of the realm."

The admiral was pressed by the lords of the privy-

council, and that upon his allegiance, to make answer to these articles; but he could never be persuaded to it: at last he made answer to the three first only, but he would not set his hand to them.

In the meantime the privy-council waited on the king, and the chancellor having explained the matter, as it stood, to his majesty, and withal delivered his opinion for leaving the whole affair to the parliament, every privy-counsellor then spoke his own sentiments, and all to the same purpose; and last of all the protector, who protested, this was a most sorrowful business to him, and that he had used all the means in his power to keep it from coming to this extremity. But were it son or brother, he must prefer his majesty's safety before them, for he weighed his allegiance more than his blood, and that therefore he was not against the request made by the other lords, and said, "If he himself were guilty of such offences, he should not think himself worthy of life, and the rather, because he was of all men the most bound to his majesty, and therefore he could not refuse justice." The king answered them in these words; "We perceive there are great things objected and laid to the charge of my lord-admiral my uncle, and they tend to treason, and we perceive that you require but justice to be done, we think it reasonable, and we will that you proceed according to your request." These words, as noted in the council-book, coming so suddenly from his grace's mouth, of his own motion, as the lords might well perceive, they wonderfully rejoiced at it, and gave the king most hearty congratulations and thanks.

Lord Sudley being thus refractory as before related, and a parliament then sitting, it was thought most adviseable to proceed against him by way of bill of attainder, a practice the peers had been so used to in Henry VIII.'s time, that they easily came into it. The bill was, on the 25th of February, 1540, read the first time in the house of lords; they gave it a second reading the next day, and a third on the 27th, which was a quick dispatch, and concluded with the common assent of all the peers, only the protector, "for natural pity's sake," as it was in the council-book, desiring to withdraw.

The bill was sent down the same day to the Commons, and at the same time their lordships sent the master of the rolls, Sir James Hale, and Serjeant Molineux down to the House, to declare to them the manner after which the Lords proceeded in that affair; and further to declare, that in case the Commons were willing to proceed in like manner, certain noblemen, who had given evidence against the lord-admiral, should be sent to them, to declare personally and *viva voce* such things as in the meantime should appear to them under their hands. The same persons were sent again to the Commons on the 2d of March, in effect, with the same commission as before; the Commons answered, "They would take the matter into consideration, and would speedily send up their resolution thereupon." But no haste being made therein by the Commons, the Lords, after long waiting, concluded to adjourn, and desired the lord-protector, that he would be pleased to receive the answer of the Commons, and report the same at their next meeting, which would be the Monday following.

By the journal of the House of Commons it appears that the bill was read there the last day of February the first time, and the first of March the next; and that, on the 2d, the master of the rolls, Serjeant Molineux, and Serjeant Hale, the king's solicitor, were sent from the Lords, to know the pleasure of that House, "Whether they would pass the bill of attainder of the admiral, in such order as the Lords had done it." It was then resolved, they would answer by messengers of their own, and that evidence should be heard regularly, as it was before the Lords, and *viva voce*, and that this answer should be delivered to the lord-protector by the speaker and other members of the House that were of the privy-council.

Being thus attainted unheard, there was, in less than a fortnight after, a warrant signed for his execution; a copy of which, extracted from the same authority as the articles above-named, is as follows:

March 17*th*.

"This day, the 17th of March, the lord-chancellor, and the rest of the king's council, meeting his highness in his palace at Westminster, heard the report of the bishop of Ely, who, by the said

lords and others of the council, were sent to instruct and comfort the lord-admiral, now attainted and condemned by the parliament; they did condescend and agree, that the said lord-admiral should be executed the Wednesday next following, betwixt the hours of nine and twelve in the forenoon the same day, upon Tower-hill. His body and head to be buried within the Tower by the king's writ (as in such cases as heretofore hath been accustomed) being first directed and put forth for that purpose and effect. Whereupon, calling to the council-chamber the bishop of Ely, they willed him to declare this their determination to the said lord-admiral, and to instruct and teach him the best he could, to the quiet and patient suffering of justice, and to prepare himself to Almighty God."

Earl Somerset.	Thomas Southampton.
T. Cantuarien.	William Paget.
R. Rich, Chancellor.	Anthony Wingfield.
W. St. John.	William Petre.
J. Russel.	A. Denny.
J. Warwick.	Edward North.
F. Shrewsbury.	R. Sadler.

THE DUKE OF SOMERSET.

How culpable soever the admiral might be, the duke his brother, by this prosecution, and unnatural action, laid the foundation of his own ruin. He began now to be generally hated by the people; many of the nobility cried out against him for a blood-sucker and a murderer; all his other actions underwent the most sinister constructions and severest censures; but more particularly they exclaimed much against him for pulling down a church and two bishops' palaces to build Somerset-House; and raised reports of his intentions to pull down others, to carry on that magnificent structure.

The crafty Earl of Warwick finding this juncture very proper for him to play his game, engaged no less than eighteen of the privy-council to join with him against the duke; who, withdrawing from court, fell to secret caballing, and walked up and down the streets of London with many servants and new liveries.

The protector having in the meantime put 500 men in arms, guarded the court-gates, and caused more troops to be raised, both by letters and proclamation, to come to the king's assistance, whom he removed by night from Hampton-Court to Windsor, with a retinue more resembling an army than a train. This increased the

present terrors, and the Lords, at London, laying hold of the opportunity to possess themselves of the Tower, they sent for the lord-mayor and court of aldermen to Ely-House, where the Earl of Warwick lodged, and there appearing secretly armed, they caused the lord-chancellor Rich to make a speech to them; exposing the imperfections of the protector.

The protector did all he could to accommodate matters with them by secretary Petre, whom he sent once more to London; and that failing, he wrote two letters, one, in his own name, to the Earl of Warwick, his most dangerous enemy; and the other, from the lords, at Windsor, to the lords at London; in both of which he made such complaints, expostulations, intreaties, and acquiescences, as were sufficient to inspire courage into any enemy once declared against him.

Hereupon the lords, at London, issued a proclamation, wherein, having charged all our calamities and misfortunes, both at home and abroad, upon the mal-administration of the protector, they forbad all the subjects, in the king's name, any longer to obey him.

Having proceeded thus far, there was no looking back; and, therefore, they directed three letters to Windsor; one to the king, another to the protector, and a third to the household. That to the protector was glossed over with many smooth expressions, fair promises and hopes; but the other two were not sparing in invectives against him, and instances of his unfitness and incapacity to govern the kingdom. Sir Robert Wingfield, captain of the guard, was sent with them to Windsor, who represented matters to the king so artfully, that the protector, then present, was removed from his person, and had a guard put upon him, till next day, when the lords, from London, were appointed to be there. They came accordingly, but without the crafty Earl of Warwick, though he was the main engine that set all at work. They complained to the king of the mischievous government of the protector, and that it would be safer for him to have that power than any other man.

The young king was swayed with their authority, and the duke committed prisoner to Beauchamp's Tower

within that castle, from whence being conveyed to London next day, he rode through London betwixt the Earls of Southampton and Huntingdon, followed by three hundred lords and gentlemen on horseback, and at Soper-lane he was received by the lord-mayor and his officers, and conducted to the Tower.

Having rested here a short time, some of the lords of the council were sent to him, and laying certain articles before him, as from the rest of the council, they desired to know forthwith, "Whether he would acknowledge them to be true, or stand upon his justification?" a very unfair way of proceeding, for which vengeance pursued some of them afterwards, to their utmost confusion and ruin. The following are some of the articles.

"That he took upon him the office of protector, upon express condition that he should do nothing in the king's affairs, but by the consent of the late king's executors, or the majority of them.

"That, contrary to this condition, he caused a failure of justice, and subverted the laws of his own authority, as well by letters as other commands.

"That he would brow-beat several of the privy-council, for giving their advice in reference to the public against his opinion; telling them sometimes, they were not fit to sit in council; at other times, that he had no need to lay state-matters before them, and that if they did not concur with his opinion, he would dismiss them.

"That he commended alchemy and multiplication to be practised, and so debased the king's coin.

"That, contrary to the opinion of the whole council, he put out a proclamation about inclosures, which had caused several insurrections, whereby many of the king's subjects were destroyed.

"That he issued a commission, with articles annexed, concerning inclosures, high-ways, cottages, and the like, impowering commissioners to hear and determine those causes, whereby the laws and statutes of the realm were subverted, and many rebellions raised.

"That he would neither give authority, nor suffer noblemen and gentlemen to suppress rebels in due time, but wrote to them to use gentle means with them.

"That he said, at divers times, and in several places, that the lords of the council, at London, intend to kill the king, but if I die, the king shall die, and if they famish me, they shall famish him.

"That he caused his servants and friends at Hampton-Court and Windsor, to be furnished with arms belonging to the king, while the king's servants and guards went unarmed."

Whether it was out of regard to the affection which the young king, his nephew, might still retain for the duke, or any other motives, his life was now spared; but they took effectual care to strip him of his great offices of protector, treasurer, and earl marshal, of all his goods, and nearly two thousand pounds a-year in land.

Notwithstanding which, he wrote to the lords of the council letters full of acknowledgments for their favour, in bringing his cause to an end! that he never had any intention to contend with them, nor in any thing to justify himself, considering he was far from being the wisest of men, and might easily err, and that it was scarce possible for any man in a great station, so to compose himself, as that all his actions, in the eyes of justice, should be blameless; wherefore, he wholly submitted to the king's clemency, and their discretion for some moderation; desiring them to believe, that his errors proceeded rather from a defect in judgment than any malicious design.

The king soon after entertained and feasted him with great marks of his royal favour, and he was again admitted to be member of the privy-council; so that there seemed to have been an entire reconciliation and confidence between him and the lords; and to cement it still the faster, there was a match concluded between the duke's daughter and the Lord Lisle, son and heir to the Earl of Warwick, now made lord-high-admiral of England. But, alas! these ill-cemented affections burst out again next year into open enmity; and the Duke of Somerset being charged with a design to murder the Earl of Warwick, newly created Duke of Northumberland, in his own lodgings, under the colour of a visit, the haughty hopes of aspiring to absolute command, prompted Northumberland to make use of all his artifices to complete his ruin.

One Sir Thomas Palmer, a creature of Northumberland's, charged him with a design to murder the Duke of Northumberland, the Marquis of Northampton, and the Earl of Pembroke, at a banquet to which they were to be invited, or in their way thither if slenderly attended; declaring further, that Sir Ralph Vane had 3000 men in readiness, that Sir Thomas Arundel had made

sure of the Tower, that Seymour and Hammond would wait upon him, and that all the horse of the *gens d'arms* should be slain. To which Secretary Cecil added, that the duke had sent for him and said, "That he suspected some ill designs against him;" and that he replied, "If he were not in fault, he might trust to his own innocence; if he were, he had no more to say but to lament him."

Things being thus prepared, the tragedy was now to be acted; the unhappy duke, after a short confinement in the Tower, was brought to his trial at Westminster, the Marquis of Winchester, who had succeeded him in the great office of lord-treasurer, sitting as high-steward, under the canopy of state, on a bench raised three steps higher than the rest; and the other peers, to the number of twenty-seven, being seated on the next to it.

The charges against the duke consisted of five parts:

1. Of raising men in the north parts of the kingdom.
2. Of drawing men together to kill the Duke of Northumberland.
3. Of resisting his attachment.
4. Of killing the gens-d'arms.
5. Of assaulting the lords, and compassing their deaths.

The duke having pleaded not guilty, and put himself upon the trial of his peers, was, it seems, little acquainted with the law, and therefore did not desire council to plead, or assist him in points of law.

On the other hand, the king's learned council at law were very bitter in their pleadings against him, and argued, that to levy war was certainly treason; that to assemble men with an intention to kill privy-counsellors was also treason; that to have met about to resist and hinder his being seized, was also felony; and to assault the lords and contrive their deaths, was felony.

The Duke of Suffolk was of opinion, that no contentions among private subjects should on any account be screwed up to be treason. The subtle Duke of Northumberland said, "He would never consent that any practice against him should be reputed treason:" but after a great diversity of opinions, they all acquitted him of treason, but the majority found him guilty of felony.

When they returned the duke not guilty of treason, the people expressed their joy by very loud and repeated acclamations, which lasted not long, when they heard they had brought him in guilty of felony, and as a felon had sentence of death passed upon him.

Most people were of opinion, that the duke being acquitted of treason, and no felonious act done by him, but merely unintentional, and that only of imprisoning a peer, proved, that one so nearly related to the king in blood could never be put to death upon such an occasion.

But the power of the faction (for so it may be called) was then so great, that the king was entirely beset with their creatures, and all imaginable care was taken to divert his thoughts from the duke, as well by masquerades, tiltings, and other pastimes, as by affairs of state. Neither were they wanting to instil into him notions of the dangerousness of the person who had made away with his own brother, and contrived the death of the principal noblemen of the kingdom. "And where," said they, "should this mischief have ended? Would it have raged against all, and left the king only untouched? The duke certainly having been always a cruel and false man, there would have been no end of his ill-practices, therefore, all his submission must be esteemed counterfeit and hypocritical; but his avarice and ambition being once removed, the way would be laid open to virtue and merit."

The king giving way to these artful insinuations, whatever natural affections he might retain for so near a relation as an uncle, yielded, at length, that the duke should suffer death by being beheaded.

The duke having, since his sentence, continued two months in prison, the violence of his enemies, notwithstanding the tender inclinations of the king to save him, brought him, on the 24th of January, 1552, to the scaffold, on Tower-hill, where he addressed the people.

That his death was generally lamented, was manifest, by the many persons that dipped hankerchiefs in his blood, which they kept as so many sacred relics; among others, there was about two years after, a woman of a temper not so prone to compassion as

revenge, who, when the Duke of Northumberland was led prisoner through the city, for his opposition to Queen Mary's coming to the crown, ran to him in the street, and shaking her bloody handkerchief before him, said, "behold the blood of that worthy man, the good uncle of that excellent king, which being shed by thy treacherous machinations, doth at this very time begin to revenge itself upon thee."

Sir John Hayward summarily characterizes him in this manner. "He was a man little esteemed either for wisdom, person, or courage, but being in favour with Henry VIII. and much employed by him, he was always observed to be both faithful and fortunate, as well in giving advice, as in managing a charge; that being Warden of the marches against Scotland, the invasion made by James V. was by his direction disappointed at Salmone-moss, where several of the Scotch nobility were taken prisoners; that he and the Earl of Warwick, with a handful of men, fired Leith and Edinburgh, and made a leisurely retreat of four and forty miles through the body of Scotland; that he invaded the Scottish borders near Tiviotdale and the marches, and very much ravaged the country without any loss; that being ordered to view the fortifications upon the marches of Calais, he afterwards with a body only of seven thousand English, forced an army of one hundred and twenty thousand French to decamp from over the river before Boulogne, with the loss of their cannon, carriages, tents, and treasure, and not a man of his own; and that in his return from thence by land to Guisnes, he took the castle of Outing, commonly called the Red-pile, within cannon-shot of Ardre; that in some time after, he invaded and ravaged Picardy; began the forts of Newhaven, Blackness, and Bullingberge, in which he used so much industry, that in a few weeks they were made tenable: that upon these and the like successes, his succeeding fortunes were ever esteemed rather new than strange; and his presence only was looked upon as a sufficient security for an army: and yet all this did not puff him up with haughtiness of temper or contempt of others, but he continued courteous and affable, steering a course between stiff stubborn-

ness and base flattery, that was least subject to envy, and never aspired higher than to be the second person in the kingdom; being harmless and faithful, never hatching any hopes prejudicial to the king, but always intended his safety and honour."

SIR THOMAS WIAT,

FOR HIGH-TREASON,

ON THE 14TH OF MARCH, 1554.

THE prisoner was indicted for high-treason, in levying war against the queen, on the 14th of February, then last past, at Brentford, in the county of Middlesex, to which he pleaded guilty; endeavouring, however, to extenuate his crime, and desiring the court to intercede for him to the queen for mercy.

He said, since he had considered and reflected on his offence, he had observed, that rebellion against their natural princes never prospered long; that Henry IV. was but a rebel, and the crown did not continue long in his family, but was restored again to the right heirs.

He was once, indeed, of opinion, that by marriage of the Prince of Spain with the queen, the life of the Princess Elizabeth, the second person in the kingdom, would be in danger; and that he, who was free-born, should have been reduced with his native country to a state of slavery by foreigners, which induced him to practise the treason he had committed. But now he was better informed, and sensible how much this marriage would be for the honour, advantage, and security of the kingdom, he had altered his mind; and if her majesty would extend her grace to him, he would serve her faithfully as long as he lived. He then took an opportunity of reciting the services which he and his ancestors had done the crown.

The attorney-general answered, he had great reason to repent of his faults, for he had not only undone himself, but a great many other gentlemen whom he had deluded into this rebellion, particularly the Duke of

Suffolk and his family; and had attempted to seduce the princess, the second person in the kingdom, whose honour was thereby brought in question. What did he mean, when the rebellion first broke out, to write to the Princess Elizabeth to remove farther from the queen, and after his success, at Rochester-bridge, over the Lord Norfolk's men, to send her the joyful news, for which she returned him thanks?

To this Wiat answered, he confessed it was true. The master of the horse then demanded, if when he and Mr. Cornwallis were sent to him from the queen, he (Wiat) did not insist to have the queen's person in his custody in the Tower, with such of the privy-council as he should specify, and the public treasure delivered up to him, saying, "He had rather be trusted than trust?"

The queen's counsel also demanded, if he was not privy to a conspiracy to assassinate the queen? though they acknowledged he disapproved of it. They, also, produced Wiat's letter to the Duke of Suffolk, when he lay with the rebels in Southwark, to meet him at Kingston-bridge, and so march to London with him, which Wiat acknowledged to be his hand; he also confessed, he refused to accept the queen's pardon when it was first offered him; but desired the queen's counsel would not aggravate his offences, for he had made a full confession, and thereby secured her majesty against any future attempts against her. He confessed, when he had once entered upon that devilish and desperate enterprize, he thought there was no way but to go through with it; and he took all the methods he could think of to render it successful, such as writing to the lady Elizabeth, and making the proclamation he had caused to be made in Southwark; and now there remained nothing but to throw himself upon the queen's mercy, though he confessed, that he deserved with Wat Tyler to be made an example; and as that was called Wat Tyler's Rebellion, this ought to be called Wiat's Rebellion, to the world's end. However, if the queen would spare him, he would render her the best service he was able; and if she had but two true men in the kingdom, he would be one of them, and die at her grace's feet, im-

ploring the lords commissioners again to intercede for him to her grace, which the lords promised they would do. But his countenance still remained dejected, and he let fall floods of tears; and, indeed, he had no just reason to expect mercy, being at the head of so formidable a rebellion, and within a few hours of surprizing the capital of the kingdom, with the queen and court.

He was beheaded the 11th of April following.

SIR NICHOLAS THROCKMORTON,

FOR HIGH-TREASON, APRIL 17, 1554.

SIR NICHOLAS THROCKMORTON was charged with levying war against the queen; being an accomplice in Wiat's rebellion, to depose and destroy her majesty; and, with conspiring to seize the Tower of London.

The evidence to prove these treasons was the written confession of Winter, one of the conspirators; wherein it is said, that the prisoner was intimate with Wiat, and had declared himself against the Spanish match; and that Wyat had communicated his design of seizing the Tower to the prisoner.

The confession of one Crofts also was read against him, importing, that the prisoner was an accomplice of Wiat's; that they often met, and consulted concerning an insurrection; and that Sir Nicholas promised to go into the west, and join the malcontents there.

Part of the prisoner's own confession also was read against him, wherein he acknowledged that he had a conference with Wiat, Carew, Crofts, Rogers, and Warner, concerning the Spanish match, and the alteration of religion; and that he (the prisoner) had said he would hinder the match with Spain as much as he could by persuasion; that he had also said, the discipline of the clergy might now rather be resembled to the Turkish tyranny than to the teaching of the christian religion.

The depositions of the Duke of Suffolk, who had been executed for the same treason, were also read against the prisoner, importing, that Lord Thomas Grey informed the duke that Sir Nicholas Throckmorton was privy to all the devices against the Spaniards, and had agreed to go down with the Earl of Devon and join the rebels in the west; and lastly, it was urged, that Wiat himself had charged the prisoner, as an accomplice with him in his treasons.

The queen's counsel having produced their evidence, the prisoner entered upon his defence.

That as to Winter's confession, which had been read as evidence against him; if it were all true, there was no treason in it.

He had, indeed, conversed with Wiat, as he might with any other man; but knew nothing of his purpose. That as to the confession of Crofts, it ought not to affect him, unless he was brought face to face, as the law required; and he objected to Vaughan's testimony, that he was a condemned man, and became a witness against him to save his own life. That by 6 Edw. VI. no man could be indicted or convicted of treason, but by two lawful witnesses, brought face to face; that Vaughan was but one witness, and a very exceptionable one, having been reprieved from time to time, in order to compel him to accuse others. That the Duke of Suffolk's depositions contained only what Lord Grey told him concerning the prisoner, which ought not to affect him, unless Lord Grey were produced, and attested the same in court: and whatever Wiat had said in hopes of saving his life, he had unsaid again at his execution, acquitting the Lady Elizabeth, as well as others, with his last breath; notwithstanding he had accused them, in hopes of favour.

Addressing himself to the jury, he observed, that he could not be convicted of the treason in this indictment; because all treasons were repealed, but those offences which were declared to be such, by the 25th of Edward III. and desired that the statute of the 25th of Edward III. might be read. The court answering, that no books should be brought there, the prisoner replied, do you bring me hither to try me by law, and will you not shew me the law? I have heard that her majesty charged you to administer justice indifferently; and, notwithstanding the old error amongst you, which did not admit a witness to speak, or any thing to be offered in favour of the prisoner, her highness' pleasure is, that whatever can be brought in favour of the subject shall be admitted and heard: therefore, you ought of right to hear the statute read, and reject nothing that can be spoken in my defence.

The counsel urged, that he had entered into a conspiracy with Wiat, to prevent the coming of the Spaniards; and promised to his utmost against them, which encouraged Wiat to levy war against the queen. The prisoner answered, that it was no treason to enter into conversation to prevent the coming of the Spaniards, or to declare he would endeavour to hinder it in a legal way; and there was no evidence of his endeavouring to prevent it by force, or his procuring any other to attempt it in that manner.

Then the court adjourned; and in the afternoon the jury brought in their verdict *not Guilty*. Whereupon the attorney-general moved, that they might give 500*l*. security for their good behaviour: but it does not appear that they were obliged to give such security; they were reprimanded and threatened. The prisoner was remanded to the Tower after his acquittal, under pretence that the government had other matters against him, but was shortly afterwards discharged.

CURIOUS

MISCELLANEOUS TRIALS.

LORD STOURTON,

AND FOUR OF HIS SERVANTS,

FOR THE MURDER OF WILLIAM HARTGILL, ESQ. AND HIS SON JOHN HARTGILL, OF KILMINGTON, SOMERSET, 1556.

On the 28th of February, 1556, Lord Stourton was arraigned at Westminster-Hall, before the judges and several of the council; it was long before he would answer to the charge laid against him, till, at last, the lord-chief-justice declared to him that he must be pressed to death, according to the laws of the land, if he would not answer; after which he made answer, and was convicted, and condemned to be hanged, together with his four men, for the following murders:—

In the reign of Edward VI., William Lord Stourton having charge of one of the king's places near Boulogne, died: and shortly after his death, Charles Lord Stourton, his son and heir, went to Kilmington, to the house of William Hartgill, Esq.; where Dame Elizabeth, late wife to Lord William and mother to the said Charles Lord Stourton, sojourned, and earnestly persuaded William Hartgill to be a means, that Dame Elizabeth should enter into a bond to him, in a great sum of money, that she should not marry; which the said William Hartgill refused, unless Lord Stourton would assign some yearly portion for his mother to live upon.

In discoursing on this matter, Lord Stourton quarrelled with William Hartgill; and, on Whitsunday in the morning, he went to Kilmington church with

several men, with bows and arrows, and guns; and when he arrived at the church-door, John Hartgill, son of William, being told of the said Lord Stourton's coming, went out of the church, drew his sword, and ran to his father's house adjoining the church-yard side. Several arrows were shot at him in passing, but he was not hurt. His father and mother were forced to go up into the tower of the church, with two or three of their servants, for safety. When John Hartgill arrived at his father's house, he took his long-bow and arrow, bent a cross-bow, charged a gun, and caused a woman to bring the cross-bow and gun after him, and he with his long-bow came forth and drove away the said Lord Charles and his men from the house, and from about the church, except half a score that had entered the church, among whom one was hurt in the shoulder with a hail shot. His father advised him to take his horse and ride up to the court, and tell the council how he had been used. On Monday, towards evening, he reported to the honourable council how his father had been dealt with, whereupon they sent down Sir Thomas Speak, the high-sheriff of Somerset, not only to deliver the captives, but to bring with him the said Charles Lord Stourton, who, when he came, was committed to the Fleet, where he remained but for a short time.

It appeared that as soon as John Hartgill had set off towards London, Lord Stourton's men returned to the church of Kilmington, and about Mr. Hartgill's house, and continued about there till the arrival of the sheriff, which was on Wednesday; during which time, William Hartgill's wife was permitted to go home on Whitsunday, towards night; but in the mean time, Lord Stourton's men went to the pasture of William Hartgill, took his riding gelding, and carried him to Stourton Park pales, and shot him with a cross-bow, reporting that Hartgill had been hunting in his park upon the gelding. Thus Lord Stourton continued his malice throughout King Edward's reign, and with violence took from William Hartgill all his corn, cattle, &c.

On the death of King Edward, William Hartgill and his son petitioned Queen Mary and her council, for redress, her majesty being then at Basing-end, in Hampshire. The council called Lord Stourton and William Hartgill before them, and Lord Stourton promised, that if William Hartgill and his son would come to his house, and desire his good will, they should not only have it, but also be restored to their goods and cattle; where upon his promise, made in such presence, they took John Dackcombe, Esq. with them, to witness their submission. When they came near Stourton House, in a lane, half a dozen of Lord Stourton's men rushed forth, and letting Mr. Dackcombe and William Hartgill pass them, they stept before John Hartgill, and when he turned his horse to ride away, six others of the said lord's men beset him before and behind; and before he could draw his sword and get from his horse, wounded him in three or four places, and left him for dead. Nevertheless, in half-an-hour, he recovered himself, got upon his horse, and took refuge in the house of Richard Mumpesson, of Maiden-Bradley, Gent.

This at last became a subject of star-chamber enquiry, and Lord Stourton was fined in a certain sum to be paid to the Hartgills, and imprisoned in the Fleet, whence he obtained licence, upon some pretence, to retire to his house in the country, and took an opportunity to murder both the Hartgills.

Within three or four days after his arrival at Stourton Caundle, he sent advice to the Hartgills, that he was ready to pay them the sums of money, as ordered by the star-chamber; and to end all disputes between them.

They agreed to meet him at Kilmington church on Monday after Twelfth-day, at ten o'clock; and Lord Stourton came accordingly to Kilmington, accompanied by fifteen or sixteen of his servants, sundry tenants, and some gentlemen and justices, to the number of sixty. He went to the church-house, and sent word to the Hartgills, who were in the church, that the church was no place to talk of worldly matters, and that he thought the church-house a fitter place: the Hartgills came out of the church; but fearing ill,

refused to enter into any covered place, the church excepted; whereupon, it was proposed, that a table should be set upon the open green, which was done accordingly.

Lord Stourton laid thereupon a cap-case and a purse, as though he intended to make payment, and calling the two Hartgills, said, that the council had ordered him to pay them a certain sum of money, every penny of which they should have: "Marry, he would first know them to be true men:" and then laid hands upon them, saying, "I arrest you of felony," on which his men, to the number of ten or twelve, by violence thrust them into the church-house, where, with his own hand, the lord took from them their purses. Then, having in readiness two cords, he delivered them to his man to bind the Hartgills; and to the younger of the Hartgills, when bound, he gave a blow in his face, and coming out of the house with his sword, and finding at the door young Hartgill's wife, he kicked at her, and gave her such a stroke with his sword, between her neck and head, that she fell to the ground nearly dead. From hence, he caused the two Hartgills to be conveyed to the parsonage of Kilmington, where they were kept with their arms bound behind them, and without meat or drink. About one o'clock in the morning they were conveyed to a house called Bonham, near Stourton; and arriving on Tuesday about three in the morning, they were laid fast bound, in separate places, without meat, drink, or fire, or any thing to lie upon.

About ten o'clock Lord Stourton sent to Bonham, William Farree, Roger Gough, John Welshman, and Macute Jacob, commanding them to convey the Hartgills to a place appointed, and warning them, that in case they should make any noise, to kill them at once. These four brought them into a close adjoining Stourton, and knocked them on the head with two clubs; till the murderers thought they had been dead, (his lordship in the mean time standing at the gallery-door, which was but a small distance from the place.) This done, they wrapped themselves in their own gowns, and carried the bodies through a garden into his lord-

ship's gallery, and from thence into a place at the end, his lordship bearing the candle before them. Being not quite dead, they groaned much, especially old Hartgill; when William Farree, one of the murderers, swearing by God's blood they were not yet dead, his lordship himself ordered their throats to be cut, lest a French priest, lying near to the place, might hear them: and William Farree took out his knife, and cut both their throats, Lord Stourton standing by with the candle in his hand. One of the murderers then said, "Ah! my lord! this is a pitiful sight, had I thought what I now think, before the thing was done, your whole land should not have won me to consent to such an act;" his lordship answered, "What a faint-hearted knave is this: is it any more than ridding us of two knaves, that living, were troublesome both to God's love and man's? there is no more account to be made of them, than the killing of two sheep." Then their bodies were tumbled into a dungeon; and after Henry Sims and Roger Gough had been let down with cords, for there were no steps, they dug a pit and buried them together; Lord Stourton often calling to them from above to make speed.

The bodies were afterwards taken up by Sir Anthony Hungerford, and were found in the same apparel that they were taken in, buried very deep, covered first with earth, then two courses of thick paving, and finally with chips and shavings of timber, above the quantity of two cart-loads.

In the examination of the atrocities of Lord Stourton it appeared, that he had caused, not long before, a barn of one Thomas Chaffin to be set on fire by three of his servants; and then, against Chaffin, for saying it was not done without the knowledge of the said Lord Stourton, or some of his servants, he brought an action, and recovering a hundred pounds damage, he took for the payment out of his pasture by force twelve hundred sheep, with the wool upon their backs; and all the oxen, kine, horses, and mares, that he could find. On another occasion, from one Willoughby he caused to be taken, for his pleasure, a whole team of oxen,

whereof two were found fatting in the stall of his house, when he was apprehended.

On the 2d of March Lord Stourton and four of his servants rode from the Tower, with Sir Robert Oxenbridge, the lieutenant, with certain of the guards, through London towards Salisbury. The first night they lay at Hounslow, the next day they went to Staines, thence to Basingstoke, and to Salisbury.

Lord Stourton was accordingly executed March the 6th, in the market-place at Salisbury, and his four men in the country near the place where the murder was committed; and, previous to his death, he made great lamentation for his wilful and impious deeds.

ARNAUD DU TILH,

IMPOSTOR, 1575.

(From les Causes Célèbres.)

MARTIN GUERRE of Biscay, in 1560, married Bertrand de Rols, of Artigues. In 1570, Martin having a dispute with his father, thought fit to withdraw himself to avoid the effects of his anger, and, for eight years together, neglected to give the least notice to his family where he was.

At the end of eight years came one Arnaud du Tilh, who had exactly the features, stature, and complexion of Martin Guerre, and was acknowledged as the true husband of Bertrand de Rols, by her relations and herself. He had known Martin Guerre abroad, and learned from him all the little secrets of the family. The wife was overjoyed, and in the space of three years had two children by him.

By some means, Peter Guerre, the uncle of Martin, and some other persons, suspected the imposition, and at last opened the eyes of Bertrand de Rols. She thereupon applied to the magistrate, and caused him to be apprehended, presenting a bill of complaint against him before the criminal judge of Rieux. In his answer to the complaint, Arnaud du Tilh exclaimed against the

wicked conspiracy which his relations and his wife had formed against him. He said that Peter Guerre had made up this business merely out of covetousness, and with a view to possess himself of his effects; that he had drawn in his wife, through the weakness of her understanding, to be a party in this black affair. He submitted to a long examination before the criminal judge, who interrogated him as to matters which happened in Biscay, the place of Martin Guerre's birth, his father, his mother, brothers, sisters, and other relations, as to the year, month, and the day of his (Martin Guerre's) marriage, his father-in-law, mother-in-law, the persons who were present at the nuptials, those who dined with them, their different dresses, the priest who performed the ceremony, all the minute circumstances that happened that day and the next, even to naming people who were present when they were put to bed.

The court now ordered Bertrand de Rols, and several other persons whom the accused had cited, to answer interrogatories. Bertrand answered in a manner which agreed exactly with all that the impostor had advanced, except that she related the story of his being *bewitched* for eight or nine years, which he had omitted. The accused was then questioned as to that point, and his replies were such as tallied exactly with what Bertrand had said: he repeated all that had been done to free them from that enchantment. He was next confronted with Bertrand, and with all the witnesses, upon which he demanded that she might be kept safely and apart from his enemies, which was granted. But, at the same time, an inquisition was taken at Pin, at Sagias, and at Artigues, of all the facts which concerned Martin Guerre and the accused, Bertrand de Rols; and all the discoveries consequent on these proceedings were favourable to Bertrand de Rols.

As to the accused, of nearly one hundred and fifty witnesses that were examined, between thirty and forty deposed, that he was the true Martin Guerre; that they had known him, and conversed with him from his infancy; that they were perfectly acquainted with his person, manners, and tone of voice; and that they moreover were convinced of the truth of what they asserted,

by the observation of certain scars and secret marks, which it was impossible for time to efface.

On the other hand, a great number of witnesses deposed positively, that he was Arnaud du Tilh, and that they were perfectly acquainted with his person, manners, and voice. The rest of the witnesses, to the number of sixty and upwards, declared that there was so strong a resemblance between the two persons concerned in this matter, that it was impossible for them to determine whether the accused was Martin Guerre or Arnaud du Tilh.

However, the judge thought proper to pronounce a definitive sentence: "That Arnaud du Tilh is guilty, and convicted of being an impostor, and is condemned to lose his head, and his body divided into four quarters."

From this sentence Arnaud du Tilh appealed to the parliament of Thoulouse, and this assembly ordered the parties to be confronted in open court. On this occasioned, the accused maintained so steady a countenance, spoke with such an air of assurance and truth, and answered every question with such quickness, that the members were induced to think he was the true Martin Guerre; while, on the other hand, the terror and confusion of Peter Guerre and Bertrand de Rols was so great, that they created evidence against themselves. Thirty new witnesses were examined; nine or ten of these were positive that he was the true Martin Guerre; seven or eight were as positive that he was Arnaud du Tilh; the rest having weighed all circumstances, and being afraid of injuring their consciences, declared plainly that they were not able to say which he was.

It appeared, that forty-five witnesses had affirmed, in terms the most express, that he was not Martin Guerre, but Arnaud du Tilh, which they said they were the better enabled to do, because they had known both persons intimately, ate and drank with them, and conversed constantly with them from their very childhood; nay, some of them went still farther:—Carbon Barreau, uncle, by the mother's side, of Arnaud du Tilh, acknowledged that he was his nephew, and observing the irons that were upon his legs, cried bitterly, and bewailed his

misfortune, in having a relation in such a condition. He said also, that he had in his life-time been concerned in several contracts with his nephew, and he actually produced those writings signed by Arnaud du Tilh.

Most of these witnesses agreed, that Martin Guerre was taller, and of a darker complexion; that he was slender, his legs a little crooked, stooping in the shoulders, his nose large and flat, the mark of an ulcer in his face, and a scar in his right eye-brow; whereas Arnaud du Tilh was a dapper well-set man, his legs large and full, and he had neither a flat nose, nor was his chin crooked; but in his face, indeed, he had the same marks with Martin Guerre. The shoemaker who used to make shoes for Martin Guerre, deposed that Martin's foot reached to the twelfth mark, whereas the foot of the accused reached no farther than the ninth mark upon his rule. Another witness swore, that Martin Guerre was dexterous in wrestling, whereas this man knew nothing of the matter. John Espagnol, who kept a public-house, declared that the accused acknowledged to him that he was not Martin Guerre.

Valentine Rougie deposed, that the accused, perceiving that he knew him to be Arnaud du Tilh, made a sign to him with his finger, for silence. John de Liberos deposed to the same effect, and added, that the accused gave him two handkerchiefs, with a strict charge to give one of them to John du Tilh, his brother. There were also some hearsay evidences produced. Two persons swore that a soldier of the regiment of Rochfort, passing through Artigues, was surprised at seeing the accused assume the name of Martin Guerre, declaring aloud, and without ceremony, that he was a notorious impostor, for that Martin Guerre was actually in Flanders, and had a wooden leg, in the place of one he lost before St. Quintin, in the battle of St. Laurence. It was also remarked, that Martin Guerre, being a Biscayner, had the tone of his country, the Bask being a language very different not only from French, but from the Gascon, whereas the accused could not speak the Bask, but took pains to mingle a few words which he had learned of it with his French, repeating them with a visible affectation.

On the other hand, there were thirty or forty witnesses who swore positively that he was the true Martin Guerre; that they knew him intimately, and remembered him from his childhood. Among these were the four sisters of Martin Guerre, who were brought up with him, and who had the reputation of being women of good sense; two of their husbands, brothers-in-law to Martin Guerre, were likewise of the number. Such as were present at the nuptials of Martin Guerre and Bertrand de Rols, deposed in favour of the accused. Catherine Boere, in particular, said, that when she carried the posset after they were in bed, she saw Bertrand's spouse, and that the person now accused was the same. All, or at least the greatest part of these witnesses agreed, that Martin Guerre had two strokes under his eye-brow, that his left eye was blood-shot, the nail of his first finger crooked, that he had three warts on his right hand, and another on his little finger; all of which were seen on the accused.

It was alleged also in his favour, that Bertrand de Rols never had it in her own mind to accuse him; but was persuaded and even frightened to it by others. Peter Guerre had married her mother, and these two having conceived a spleen against the accused, did all they could to set him and Bertrand at variance; that by the contrivance of these persons, the accused was once taken up before for a crime of which he was not guilty, and that upon his being discharged and coming home, his wife received him with all possible kindness, gave him a new shirt, washed his feet, and went to bed to him, where all things passed between them which is usual among married persons; and yet the next morning he was hurried to prison by Peter Guerre, by virtue of a paper signed by Bertrand de Rols the night before, that is the night in which she had expressed all this fondness for him; nay, that she had discovered her tenderness since his being in prison, by sending him money and clothes.

The parliament still continued in doubt, and considering the nicety of the case, and the consequences of annulling a marriage, and illegitimating a child, began to incline to the accused, and thought of reversing

the judgment of the inferior judge, when on a sudden, as though he had dropped from the clouds, *Martin Guerre himself appeared, having a wooden leg as the soldier had said.* He asserted that he came from Spain; gave a distinct account of the Impostor, who had taken his name, and presenting a petition to the parliament, demanded that he might be heard. Upon this the court gave directions that he should be kept in safe custody, submit to an interrogatory in form, and be confronted with the accused, with Bertrand de Rols with his sisters, and with the principal witnesses, who had deposed in favour of the accused. He was interrogated as to the same facts on which the accused had been questioned, and his answers were true; but they were neither so clear, so positive, nor so exact, as those given by the accused.

When he came to be confronted with Arnaud du Tilh, he treated Martin Guerre as an impostor, as a fellow picked out by Peter Guerre to support this character and take away his life; he even proceeded so far as to say, in a high tone, that he would be content to be hanged, if he did not unravel the whole mystery, and prove all his enemies cheats. He then asked Martin Guerre abundance of questions, as to several of his transactions, to which Martin answered with some confusion; but the commissioners, having directed Arnaud du Tilh, put several questions to Martin Guerre, and his answers were very full and satisfactory; then they called for Arnaud du Tilh, and questioned him as to the same points, to the number of ten or twelve; and all his replies were so clear, and so correspondent to what Martin Guerre had said, that some began to think there was witchcraft in the business.

The court directed that, both the persons being present, the four sisters of Martin Guerre, the husbands of two, the chief of those witnesses who were obstinate in owning the accused for Martin Guerre, should be called in, and obliged to point out him whom they now judged to be *the true Martin.* Accordingly, all these persons appeared, except the brothers of Arnaud du Tilh. The first was, the eldest of the sisters, who, after she had looked upon them a moment, ran to Martin Guerre,

embraced him, and having let fall a shower of tears, addressed herself to the commissioners in these words, "See, Gentlemen," said she, "my brother, Martin Guerre; I acknowledge the error into which this wicked man (pointing to Arnaud du Tilh) drew me, and many other of the inhabitants of Artigues, and in which, by a multitude of artifices, he has made us persist."

Martin mingled his tears with those of his sister, and received her embraces with the utmost affection. All the rest knew him as soon as they saw him, and there was not one of all the witnesses who did not declare that Arnaud du Tilh was an impostor.

Bertrand de Rols no sooner cast her eyes on her husband, than she turned pale, and burst into tears; she approached him slowly, fell at his knees, and taking hold of his hand, after some moments, addressed herself to him in words the most feeling. She said it was the error of his sisters that was the original cause of her misfortune; and that the strong passion she had for her husband had assisted the cheat.

No doubt now remaining as to the guilt of Arnaud du Tilh, the court condemned him "to make *amende honorable* in the market-place of Artigues, in his shirt, his head and feet being bare, a halter about his neck, and holding in his hands a lighted torch; to demand pardon of God, the king, and the justice of the nation, of the said Martin Guerre, and de Rols his wife; and then to be delivered into the hands of the executioner, who after making him pass through the streets, and other public places in the said town of Artigues, with a rope about his neck, shall bring him before the house of the said Martin Guerre, where, on a gallows, he shall be hanged and strangled, and afterwards burnt."

Arnaud du Tilh was carried back to Artigues, and being examined by the criminal judge of Rieux, who first condemned him, he made a very long confession. He stated, that he was determined to commit this crime when coming from the camp in Picardy; he was mistaken for Martin Guerre by some of Martin's friends; and from whom he learned abundance of circumstances concerning Martin's father, wife, sister, and other relations, and of every thing he had done before he left that country.

DON CARLOS, SON TO PHILIP II. KING OF SPAIN,

CONDEMNED TO DEATH BY HIS FATHER, FOR TREASON, 1568.

Don Carlos was the son of Philip II. and Mary of Portugal, who was the daughter of King John III. and Queen Catherine, fourth sister to Charles V.

Different characters are given of Don Carlos. The partizans of Philip, willing to justify the father, paint the son as a prince of a malign untractable disposition, and tinctured with almost every vice. On the other hand, compassion, which strongly pleads the cause of the unhappy, is apt to be too liberal in conferring good qualities on its objects, in order to recommend them the more warmly to our esteem and commisseration.

Gregorio Leti, an historian, shews Don Carlos in a very advantageous light. He draws his character to us in contrast with that of Philip II. The son, according to him, was actuated by a reigning passion for military glory; the father was cool and pacific; the son won the hearts of the people by gentleness and affability, which were imprinted in his features; the father commanded a respect, which bordered upon terror, by an air of stern severity, a constrained gravity, and demure aspect; the son understood a variety of languages, and had the art of accommodating himself to the genius of different countries; the father knew only his mother-tongue.

Don Carlos's affections became alienated from his father, by his disappointing him of his promised match with the Princess Elizabeth, daughter to Henry II. of France, and Catherine of Medicis, whom Philip thought fit to marry himself, after the death of his second wife, Mary of England. This princess, whom the court of France had destined at first for Don Carlos, had therefore the mortification to set out for Spain, in order to wed the father instead of the son. Brantom says, that as soon as she saw that monarch, she looked stedfastly at him for some time; upon which he asked her, if she took notice that he had already grey hairs? These words presaged the unhappiness of a pair so unequally matched.

Don Carlos, who had pleased himself with the thoughts of marrying that beauteous queen, had abandoned his heart to the influence of a violent passion. The queen gave him very warm returns of affection, though she always kept within the bounds of discretion, and even shunned opportunities of being with Don Carlos alone.

Don Juan, natural son to Charles V. contributed likewise to Don Carlos's misfortune. Charles had never owned Don Juan as his son till after his abdication, when he recommended him to King Philip, desiring he might be made an ecclesiastic.

One day Don Carlos sent for him, together with two of his most intimate confidents, and asked him, if he would not accompany and second him in an enterprize of the last importance, which would infallibly procure infinite advantages to them both. Don Juan replied, that he was ready to serve him in every thing that did not interfere with the service and duty he owed to the king his brother. But that prince rejoining, that he must give him an absolute promise, without any such reserve, to follow him implicitly throughout, and do whatever he required of him; Don Juan, without further deliberation, positively refused to come under any engagement of that nature. Upon this Don Carlos dismissed him in wrath, and full of confusion for having opened his mind too far. In consequence of this private interview, Don Juan, apprehending that the king might learn from some other quarter what had passed between the prince and himself, judged it more adviseable to make the first discovery himself, hoping by this signal service to ingratiate himself with the king. This had the desired effect, for Philip afterwards advanced him to high honours.

The aversion which that prince had conceived to his father and his favourites, induced him to keep out of his sight. He plainly perceived that Philip bore him a grudge, which was inflamed to violent hatred, by a piece of raillery he had written upon him. Philip II., the son of a man who had performed so many expeditions, was the most sedentary prince imaginable. Don Carlos, to ridicule him upon that head, wrote a book, which had for its title, "The Great and Marvel-

lous Expeditions of King Don Philip;" and, to the several chapters of the book, prefixed the following titles; "The Expedition from the Escurial to Toledo; from Toledo to Madrid; from Madrid to Aranjuez; from Aranjuez to Pardo; and from Pardo to the Escurial." In this manner he filled up the whole book with an account of the king's journeying from one palace to another, and through the chief cities in Spain.

We are likewise told, that he was engaged in a confederacy with the rebels in the Netherlands, and was to have put himself at their head; also, that he carried on a correspondence with Count d'Egmont, the Marquis de Bergeus, and the Baron de Montigny. Deputies from Flanders having arrived at court, represented to that prince the dismal situation to which the nobility of Flanders was reduced, by prepossessions in their prejudice, which had been infused into him by Cardinal Granvelle, the governante's chief minister.

The Duke of Alba found the following letter of Don Carlos among the papers of Count Egmont, when he and Count Horn were put in prison.

"SEIGNIOR COUNT EGMONT.

"If the sentiments of my father were not as remote from mine, as my temper shall be always incompatible with his, it is certain that the grandees of the Netherlands would enjoy that quiet, which they can never hope for, in the life-time of a king, who bears them an irreconcileable hate, and the government of a minister, who exercises in those provinces the most odious tyranny. Would to heaven things could be managed according to my wish. But I have the mortification to see my good intentions checked by unsurmountable obstacles; and all those honest designs I form for the interest of my people of Flanders frustrated. All that I can do at present for their service, is, to exhort them to repose no confidence in the Duke of Alba, because he has brought nothing from Spain into that unhappy country, but a barbarous passion to fill it with blood and carnage, and to lay the heads of its principal men at his feet."

This letter widened the breach between Philip and his son into an irreconcileable enmity; indeed, nothing could have inflicted a more cruel stab to that monarch's ambition.

Though he had already failed in an attempt upon Don Juan, he had the weakness to impart to him his design, and to ask his counsel and concurrence. In the

overflowings of his good-humour he umbosomed himself to him, tried his utmost to bring him into the plot, and engage him to keep it secret. The other gave him his promise, but was too much a politician to abide by it. He embraced the first opportunity to disclose the affair to Philip; who, upon information that Don Carlos had written to the first courier for eight post-horses, thought it time to lay him under an arrest. He conveyed himself at midnight to the prince's apartment, accompanied by the Prince d' Eboli, the Duke de Feria, and others. It is said that Ruis de Gomés, the prime-minister, was of the party. The prince was in a profound sleep, having laid himself down in great security, without the least suspicion or previous intimation of his approaching misfortune.

The king, after seizing his sword, which he had under his pillow, together with his poinard, commanded him to rise. While Don Carlos was dressing, the king took him roundly to task, upbraiding him for not making a better use of the advice he had given him, whereby he might have saved him the necessity of securing his person; an expedient, which, however violent it might appear, had no other aim, he told him, but his own good.

Then Philip opened the prince's casket, and carried away all his papers; he, likewise, took from him his old servants, and took others with him in whom he put confidence, to be his guard.

His chamber was stripped of its magnificent furniture, and nothing left in the place of it but a pitiful mattress on the floor. He was obliged to go into mourning, and was served by men in the same rueful garb, who were mere strangers to him. There was found by his bedside a chest full of fire-arms; and, for his further security, he had caused a famous French artisan, who wrought at the Escurial, to make him a lock for his chamber, that could only be opened from within; and he slept every night with two swords and a brace of pistols under his pillow. But all these precautions proved in vain.

Philip called a council, and communicated to them what course had been taken with Don Carlos; contenting

himself with telling them in general, that he was determined to that step by motives of the utmost importance. In the same style he addressed himself to all the ambassadors, and propagated the news of this extraordinary proceeding over all the whole of his dominions. He wrote letters with his own hand to the several princes of Europe, informing them of the same. To the empress, he wrote as follows:—

"My very dear sister, I doubt not but my resolution of imprisoning your nephew Don Carlos, my son, will be no less grievous and deeply affecting to your imperial majesty, than it must be surprising to all the world. But God, who knows the secret thoughts of all men, will justify me in time from the misconstructions that have been put upon this my conduct by the prejudiced world, to the wounding of my reputation. Till then I shall only say, for my own comfort and yours, that I never discovered in the prince, my son, any capital vice, any crime capable of intailing upon him lasting dishonour, though I have remarked in him abundance of errors and irregularities, which I attribute to the violent sallies and heat of youth. Meantime, I have been necessitated to order him to be confined to his apartment, for his own good, and for the advantage of my kingdoms, for whose tranquillity I am bound to provide, no less than for the preservation of my son."

According to this letter, Philip did not judge Don Carlos guilty of any capital crime.

This affair gave Philip so much care and anxiety, that he would not enter the gates of Madrid during the whole time of his son's confinement.

He mustered up all the evidence he could draw together of this state-crime, which he laid to the charge of Don Carlos; and received from all quarters a variety of depositions, which accused that prince of favouring the rebels in Flanders. He then held what he called his council of conscience; sent for several other doctors in divinity of great reputation; and questioned them as to what punishment Don Carlos deserved for the crime that was proved upon him? Their sentiments were divided; some were of opinion that his transgression ought to be pardoned, inforcing their decision with cogent arguments: but others alleged weighty motives, why he ought to be severely punished.

Philip proposed the case to his assembly of divines under the following form.

He asked them, whether or no, considering the mischief that must accrue to his dominions by his dissem-

bling the crimes of his son, or neglect to punish them, he might with a safe conscience pardon this criminal son, without being answerable before God for all the calamities which such preposterous clemency might produce? To this question the divines answered, with eyes bathed in tears, a trembling voice, and emotions of deep distress:—"That the safety of his people ought to be much dearer to him than the life of his own son. For this he had the example of Moses, who desired to be accursed for the good of the people. That some faults, indeed, were to be pardoned; but others were of such a nature, that they ought to be punished with all the rigour of justice."

The monarch thus confirmed in his resolution, sent for the fathers of the inquisition, and abandoned his son to the judgment of that tremendous tribunal, with an order that they should not shew any more regard to him, than to the meanest of his subjects; nor lay any stress upon the dignity of his birth, the splendour of his rank, or the authority which he bore in the monarchy.

He could not have put them into the hands of judges less disposed to favour that unfortunate prince; as they had formerly laid a complaint against him before his father, for an eulogium he had made upon Calvin and Luther.

The impressions which had been made upon the minds of the inquisitors by this conduct of Don Carlos, were not yet defaced. When they were nominated to be judges of that prince, they sent to search the archives of Barcelona, for the criminal process which Don Juan II. King of Arragon, formerly instituted against his eldest son Don Carlos, Prince of Viana.

In a few days they drew up his indictment, in obedience to the king, who constituted himself his son's accuser, and gave them absolute power to judge and condemn him. By the sentence they pronounced, Don Carlos was declared a heretic, for having maintained a strict friendship with the protestants; they judged him guilty of conspiring against the life of his father; and condemned him to remain in prison. The resentment he shewed at this sentence, made all those tremble who had advised and given their consent to it. They believed they would never escape his vengeance, should

he recover his liberty, and therefore they were not at rest till they had accomplished his ruin. Cardinal Spinosa represented to the king, that no cage was strong enough to confine this bird, and that he must either dispatch him soon, or set him at liberty. The people again, who always interest themselves in behalf of the unhappy, began now to appear very anxious for the enlargement of the illustrious prisoner. His youth, and high rank, had a powerful influence to melt them into compassion. The king, apprehending an insurrection, judged, after mature deliberation, that there would be no security for himself and his ministers, if the prince was set at liberty; and that there was no way to get rid of his fears, but by putting him to death.

The inquisitors, who were heartily disposed at first to condemn him to die, being consulted anew, without hesitation gave their verdict for a capital punishment, on account of the menaces Don Carlos had lately uttered against the king, the ministers, and the judges. They proposed the sentence to be signed by Philip, as the sovereign from whom their power was derived. That crafty monarch declared to the inquisitors, that his bowels yearned within him at this proposition, and that he looked upon himself as condemned to the punishment to which he adjudged his son, it being impossible for him to separate the father from the son. "Oh!" said he, "the pen drops from my hand, when I reflect that I am going to make myself an object of horror to all the human race, who will detest the barbarity of a father, the avowed enemy of his own flesh and blood. Thus I shall fix an everlasting stain upon my memory, and be tormented all my life with the distracting idea of my cruelty, which will pursue me incessantly like a persecuting fury."

He signed the sentence, saying to the inquisitors, "Preserve this monument: it contains a condemnation which has not its parallel in the world."

They sent a deputation of their number to Don Carlos, to read the sentence to him; on hearing which, that unfortunate prince, struck to the heart, asked the inquisitors, if his father had then so far stifled all sentiments of natural affection, that there remained no hope of his pardon, and if they too were so inexorable as not to

intercede for their king's son, who was destined by his birth to be their sovereign. One of them answered, that all the favour he had to expect, was to choose by what kind of death he would die; for, said he, you must die, and the sentence cannot be revoked.

He received a letter, which was thought to come from the queen, advising him to let the king know he had secrets of importance to communicate to him, and to improve the visit which his majesty designed to pay him, by trying to appease him. In compliance with this advice, he wrote a humble letter to his father; and, upon his receiving the intended visit from that monarch, he used all his efforts to melt him into commisseration; but in vain. Historians tell us, that having, in the course of his solicitations, intreated Philip to remember that he was his own blood, that monarch answered coldly:—"When I have bad blood, I make my surgeon let it out." In this conversation the father displayed a heart obdurate to all sense of tenderness, and thereby sunk below that true magnanimity, which is ever accompanied with goodness of nature.

The prince, thus finding it in vain to hope for mercy, determined to have his veins opened, and expire in a bath. Matthieu, the French historian, alleges that he was strangled by four slaves, two of whom held him, while the others bound him with a cord of silk. Be that as it may, he died on St. James's day, 1568, at the age of twenty-three years and fifteen days.

Through the whole of his dominions, the king ordered the most magnificent funeral obsequies to be paid to the memory of his son; which order was punctually obeyed. The several cities of the kingdom signalized themselves with emulous ardour, and care was even taken to insert in all the news, public and private, that this unforeseen death extremely afflicted his Catholic majesty. Thus Philip II., under the mask of a pompous mourning, concealed the barbarous joy of his heart, for being delivered from a son whom he dreaded as his greatest enemy.

END OF VOLUME I.

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